

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**AMY J PETERSEN**  
Claimant

**APPEAL NO. 07A-UI-08849-M**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HOFFMAN MANUFACTURING INC**  
Employer

**OC: 08/12/07 R: 01  
Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Employer filed an appeal from a decision of a representative dated September 12, 2007, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, hearing was scheduled for and held on November 5, 2007, at Carroll. Claimant participated and was represented by Roger Knee, Attorney at Law, with witnesses Karla Petersen and Devon Paulsen. Employer participated by John Werner, Attorney at Law, with witnesses Jeff Hoffmann, President, and John Balch, Floor Supervisor. Exhibits One and A were admitted into evidence.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds: Claimant last worked for employer on August 13, 2007. Claimant quit because her stepson was assaulted by a coworker on August 10, 2007. Claimant had acquired the job for her stepson. Claimant was responsible for her 14-year-old stepson while he was at work. Claimant demanded that employer discharge the assaulting coworker. Employer angrily refused to discharge the assaulting employee and instead indicated that the stepson should not come back to work. Claimant's stepson was leery about continuing to work with the assaulting coworker. Employer said it was best that the stepson leave. Employer gave the assaulting employee a written reprimand concerning the incident. The stepson had only four days of work left to complete his contract of hire. Employer failed to provide a safe working environment after complaints by claimant and her stepson.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of an assault on her minor stepson. Employer failed to provide a safe and harassment free work environment after complaints by the claimant and her stepson. Employer

failed to take adequate and immediate remedial actions to assure a safe work environment. Since the stepson, a minor child, was in claimant's care and custody while at work, she was within her right to make demands on the employer. The minor child was assaulted by an adult. The only way to assure a safe and harassment free work environment for the stepson was to discharge or suspend the perpetrator from work. A suspension of four days would have remedied the situation. The fact that this was an assault on a minor child heightens the seriousness of the situation. This is an intolerable and detrimental working condition. Benefits allowed.

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

871 IAC 24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(4) The claimant left due to intolerable or detrimental working conditions.

**DECISION:**

The decision of the representative dated September 12, 2007, reference 01, is affirmed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/kjw