

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MELISSA L SMITH**  
Claimant

**APPEAL NO. 07A-UI-03808-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CARGILL MEAT SOLUTIONS CORP**  
Employer

**OC: 03/25/07 R: 03  
Claimant: Appellant (2)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated April 10, 2007, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on April 30, 2007. The parties were properly notified about the hearing. The claimant participated in the hearing, with her representative, Dave Loetz, attorney at law. Melissa Skinner participated in the hearing on behalf of the employer.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

The claimant worked full time for the employer as a box inspector from May 11, 1998, to March 8, 2007. Her supervisor was Brad Glosser.

The claimant quit her employment on March 8, 2007, because she could no longer tolerate the constant offensive comments directed toward her by Glosser. Glosser knew that the claimant was receiving medical treatment for anxiety, including medication to control her condition. He regularly referred to her as a mental patient and told her that she belonged in a padded cell.

The claimant had complained to the company's nurse practitioner and the union about Glosser's intolerable treatment and they spoke with Glosser but the comments continued until the day she quit employment.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

Iowa Code section 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

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.

The claimant quit due to intolerable working conditions, she complained about her supervisor's treatment of her, which was clearly intolerable, but the conduct continued so she quit. She quit for good cause attributable to the employer.

**DECISION:**

The unemployment insurance decision dated April 10, 2007, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs