

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JACQUELINE J KLEPPER
Claimant

A-ONE WATER SPECIALISTS INC
Employer

APPEAL 18A-UI-09812-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 09/02/18
Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the September 21, 2018, (reference 01) unemployment insurance decision that denied benefits based upon a separation from employment. The parties were properly notified about the hearing. A telephone hearing was held on October 9, 2018. Claimant participated. Employer did not register for the hearing and did not participate.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on February 25, 2016. Claimant last worked as a part-time office manager. Claimant was separated from employment on September 6, 2018, when she resigned.

Employer installs water treatment units. Employer has financial issues.

On December 29, 2017, claimant became office manager. Claimant and employer agreed claimant would work six or more hours per day and be paid for five hours. Claimant and employer agreed claimant could bank the extra hours she worked each day as paid time off. Employer also agreed to give claimant gift cards for gas and food.

In April 2018, when claimant arrived at work a vendor blocked her car into a parking space, followed her into the building, and cornered her in the office and demanded she write a check for employer's debt. Fortunately, a technician was also in the workplace and convinced the vendor to leave. The incident was reported to the police. Claimant left the decision on whether to press charges up to employer. Employer declined.

In April 2018, employer stopped giving claimant gift cards for gas and food.

In June 2018, employer's customer service database stopped working because employer did not pay the vendor's bill. Claimant then started manually tracking and producing customer service information and invoices.

At the end of August 2018, employer installed a used water treatment unit in a customer's house. Employer represented to the customer that the unit was new and charged the customer for a new unit.

Technicians continually complained to claimant about not getting paid. Claimant brought the issue to the owner's attention on multiple occasions. The owner stated he would talk to the technicians and take care of the issue, but the conduct continued.

On September 6, 2018, claimant worked. A technician had not been paid for two sales. The technician continually approached claimant asking to be paid for the sales. Claimant directed the technician to the owner. Claimant took a phone call from a customer and technicians were talking loudly in the background about the customer's complaint and were using profanity while doing so. Claimant decided she could no longer tolerate the work environment and resigned immediately.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was with good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

Iowa Admin. Code r. 871-24.26(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.

In this case, the employer's financial issues created a hostile working environment for claimant. Claimant complained about the issues to the owner, but they were not resolved. Claimant was additionally concerned about fraudulent activity going on in the business. A reasonable person would not have continued on in the work environment. Claimant established she resigned for a good cause reason attributable to employer.

DECISION:

The September 21, 2018, (reference 01) unemployment insurance decision is reversed. Claimant voluntarily left the employment with good cause attributable to the employer. Benefits are allowed, provided she is otherwise eligible and the benefits withheld shall be paid.

Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

Decision Dated and Mailed

cal/scn