

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

PAUL D HEADLEY
Claimant

RED ROCK AREA COMMUNITY ACTION PR
Employer

APPEAL NO. 16A-UI-06443-DGT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 05/15/16
Claimant: Respondent (2)**

Iowa Code § 96.5-1 – Voluntary Quit
Iowa Admin. Code 871-24.26(4) – Intolerable Work Conditions

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated June 6, 2016, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on June 24, 2016. Claimant participated. Employer participated by Julie Heck, Assistant Director.

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 considered all of the evidence in the record, finds: Claimant submitted a letter of resignation with an effective date of May 6, 2016. Claimant resigned because he had been subjected to intolerable working conditions.

Claimant began noticing in October of 2015 that his supervisor treated him differently than his co-workers. Claimant was older than his co-workers, and he found himself excluded from meetings, and staff training. Claimant was in need of the training because his job was complicated, and he needed feedback and instruction.

Claimant met with his supervisor behind closed doors on November 15, 2015, February 15, 2016, and April 14, 2016 and voiced his concerns to his supervisor. At the first meeting she was agitated and did not appear to want to address his concerns, and in the latter meetings she was dismissive.

Claimant did not discuss the matter with the human resources department, and he did not report the issues he was having with upper management. When he submitted his resignation the

human resources department and the assistant director became aware of the situation. Employer placed the supervisor who had caused claimant problems on probation, and she was later demoted.

Claimant was aware of the actions employer had taken to remedy the issues he had been having with his supervisor. Claimant knew employer wanted him to continue working for them. Claimant decided to go through with his resignation anyway. Claimant was also offered work by employer in another office where he would not have to see or deal with the supervisor. Claimant refused employer's requests to have him continue working, and left the employment on May 6, 2016.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he was mistreated by his supervisor.

Iowa Code § 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.

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.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

Individuals who leave their employment due to disparate treatment are considered to have left work due to intolerable or detrimental working conditions and their leaving is deemed to be for good cause attributable to the employer. The test is whether a reasonable person would have quit under the circumstances. See *Aalbers v. Iowa Dep't of Job Serv.*, 431 N.W.2d 330 (Iowa 1988) and *O'Brien v. Emp't Appeal Bd.*, 494 N.W.2d 660 (Iowa 1993).

Claimant's separation from employment was not attributable to the employer. The intolerable conditions which led to his resignation had all been addressed and corrected. Claimant's work environment was not intolerable at the time of the separation. Benefits are denied.

DECISION:

The decision of the representative dated June 6, 2016, reference 01, is reversed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Duane L. Golden
Administrative Law Judge

Decision Dated and Mailed

dlg/pjs