

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CAROL A MCCRIGHT
Claimant

APPEAL NO. 07A-UI-07796-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

A V TRANSPORTATION INC
Employer

OC: 07-15-07 R: 04
Claimant: Respondent (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The employer filed an appeal from a decision of a representative dated August 7, 2007, reference 01, which allowed benefits based upon the claimant's separation from A V Transportation, Inc. After due notice was issued a hearing was held by telephone on August 29, 2007. Ms. McCright participated personally. The employer participated by Josh Liddle, Vice-President.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: The claimant worked for this employer from May 1, 2006 until July 17, 2007 when she quit employment. Ms. McCright worked as a full-time clerical worker and was paid by the hour. Her immediate supervisor was Josh Liddle.

Ms. McCright quit her employment with A V Transportation, Inc. on July 17, 2007 after being confronted by her supervisor, Mr. Liddle, regarding time off work the preceding day to take her father to the doctor. Ms. McCright had requested permission from other management that day because Mr. Liddle was not present. The claimant was authorized by management to be away from work for her stated purpose.

On July 17, 2007, Mr. Liddle confronted the claimant in an angry manner publicly chastising her for leaving work. In verbally reprimanding the claimant Mr. Liddle was angry and directed inappropriate language to the claimant in the presence of other management and others. Mr. Liddle was upset based upon the claimant's previous unsatisfactory attendance history. Based upon Mr. Liddle's anger, his language and demeanor, the claimant left employment believing Mr. Liddle's conduct had been unreasonable and intimidating.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes that the claimant has established her burden of proof in establishing that she left employment due to a working condition that was intolerable or detrimental. Ms. McCright left her employment after she was angrily, verbally reprimanded by her immediate supervisor in the presence of other employees and management. During the reprimand Mr. Liddle was angry and directed inappropriate language to the claimant causing the claimant to be fearful and intimidated. Although the claimant had been reprimanded before she had not been reprimanded in a similar manner and reasonably concluded that the anger and the language used and directed at the claimant was inappropriate and unjustified. Although warnings to employees are a recognized part of the employment relationship between management and workers, the employer is not justified in directing violent and inappropriate language at a worker nor publicly reprimanding a worker in most circumstances. The nature of the claimant's infraction by leaving early the preceding day with permission did not warrant the level of reprimand, anger or demeanor displayed by the claimant's supervisor while publicly reprimanding her in this case.

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.

For the reasons stated herein, the administrative law judge finds that the claimant left employment for reasons that are nondisqualifying. Benefits are allowed, providing the claimant is otherwise eligible.

DECISION:

The representative's decision dated August 7, 2007, reference 01, is hereby affirmed. The claimant left employment under non disqualifying conditions. Benefits are allowed, providing the claimant meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs