

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**VICKY J FLACHS**  
Claimant

**APPEAL NO. 13A-UI-01766-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CONNIE'S CLEANING SERVICE**  
Employer

**OC: 01/06/13**  
**Claimant: Respondent (1)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The employer, Connie's Cleaning Service (Connie's), filed an appeal from a decision dated February 5, 2013, reference 01. The decision allowed benefits to the claimant, Vicky Flachs. After due notice was issued, a hearing was held by telephone conference call on March 13, 2013. The claimant participated on her own behalf. The employer participated by Owner Connie Copper-Render.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Vicky Flachs was employed by Connie's Cleaning Service from March 4, 2012 until September 3, 2012 as a part-time cleaner. Her last day of work was Saturday, September 1, 2012, where she and the rest of the crew were working at the same client facility. Ms. Flachs got into a verbal confrontation with another employee, Faye, about who was going to clean what area. The verbal confrontation escalated when Ms. Flachs put her finger "in Faye's face" and Faye slapped the claimant twice "along side the head."

Ms. Flachs said she was going to call the police and Owner Connie Copper-Render told her if she was going to do that, to go home and do it. The claimant left.

There is some confusion as to whether there were one or two subsequent communications between Ms. Flachs and Ms. Copper-Render. The claimant maintains she texted the employer on Labor Day, September 3, 2012, to say she was quitting because she would not work with Faye. The employer recalled a phone conversation to the same effect, on Tuesday, September 4, 2012, when the claimant said she would not work with Faye and the employer explained there was not enough work for both of them at separate locations.

**REASONING AND CONCLUSIONS OF LAW:**

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.

The claimant quit because the employer would not discharge the employee who struck her or provide her with a separate location to work. Whether the communication was by text or by phone conversation does not matter. The employer declined to address a serious problem in the workplace after the claimant had been assaulted. This is an intolerable and detrimental working situation. Under the provisions of the above Administrative Code section, this is a voluntary quit with good cause attributable to the employer and the claimant is qualified.

**DECISION:**

The representative's decision of February 5, 2013, reference 01, is affirmed. Vicky Flachs is qualified for benefits, provided she is otherwise eligible.

---

Bonny G. Hendricksmeier  
Administrative Law Judge

---

Decision Dated and Mailed

bgh/tll