

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LANCE D SATTERLEE
Claimant

PREMIER STAFFING INC
Employer

APPEAL 21A-UI-21085-S2-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/01/21
Claimant: Appellant (2)

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 96.5(1)j – Voluntary Quitting – Temporary Employment
Iowa Code § 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed an appeal from the September 17, 2021, (reference 01) unemployment insurance decision that denied benefits based upon his voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on November 15, 2021. Claimant Lance D. Satterlee participated and testified. Employer Premier Staffing, Inc. did not register for the hearing and did not participate. Claimant's Exhibit A was admitted.

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: The claimant was a temporary employee of a temporary employment firm. Claimant began his employment in early 2021.

In June 2021, claimant was assigned to work at Ronin Industries as a general laborer. The client played explicit rap music at a loud volume in the area where claimant was assigned to work. Claimant found the music offensive because he is a Christian, and the profanity and graphic language regarding women's bodies upset him. Claimant and two of his coworkers asked management on several occasions to change the music because of its offensive nature, but they were told that it was not possible; however, claimant heard different music played at a softer volume on occasion. Other employees called claimant and the coworkers racist because they asked for less offensive music to be played.

On August 4, 2021, claimant notified employer by phone that he was resigning his employment. He explained that he could not continue to work around the offensive music and the name calling. Claimant requested an additional assignment but none was available at that time.

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:

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.

The claimant has the burden of proof to establish he quit with good cause attributable to the employer, according to Iowa law. "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Industrial Relations Commission*, 277 So.2d 827 (Fla. App. 1973).

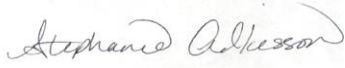
Ordinarily, "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code section 96.2. *O'Brien v. EAB*, 494 N.W.2d 660, 662 (Iowa 1993)(citing *Wiese v. Iowa Dep't of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the element of good faith." *Wiese v. Iowa Dep't of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986) "[C]ommon sense and prudence must be exercised in evaluating all of the circumstances that lead to an employee's quit in order to attribute the cause for the termination." *Id.*

Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. 871 IAC 24.26(4). While a claimant does not have to specifically indicate or announce an intention to quit if her concerns are not addressed by the employer, for a reason for a quit to be "attributable to the employer," a claimant faced with working conditions that he considers intolerable, unlawful or unsafe must normally take the reasonable step of notifying the employer about the unacceptable condition in order to give the employer reasonable opportunity to address his concerns. *Hy-Vee Inc. v. Employment Appeal Board*, 710 N.W.2d 1 (Iowa 2005); *Swanson v. Employment Appeal Board*, 554 N.W.2d 294 (Iowa 1996); *Cobb v. Employment Appeal Board*, 506 N.W.2d 445 (Iowa 1993). If the employer subsequently fails to take effective action to address or resolve the problem it then has made the cause for quitting "attributable to the employer."

Claimant has carried his burden of proving the voluntary leaving was for good cause attributable to employer. He had taken reasonable steps to preserve his employment prior to quitting. Claimant brought these issues to employer and they were not resolved. A reasonable person would quit under the circumstances. Claimant's separation from employment is therefore not disqualifying and benefits are allowed, provided he is otherwise eligible.

DECISION:

The September 17, 2021, (reference 01) unemployment insurance decision is reversed. The claimant voluntarily left his employment with good cause attributable to the employer. Benefits are allowed, provided claimant is not otherwise disqualified or ineligible.



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

December 17, 2021
Decision Dated and Mailed

sa/mh