

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STACY FOUTCH

Claimant

APPEAL NO: 13A-UI-13077-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

L A LEASING INC

Employer

OC: 10/27/13

Claimant: Respondent (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The employer filed a timely appeal from the November 19, 2013, reference 02, decision that allowed benefits to the claimant. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on December 16, 2013. The claimant participated in the hearing. Colleen McGuinty, Unemployment Benefits Administrator and Julie White, Account Manager, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time light industrial worker for Sedona Staffing last assigned to Plastic Products Company (PPC) from September 23, 2013 to October 10, 2013. The claimant voluntarily quit her job by calling PPC and stating she was not returning because her supervisor was verbally abusive. While profanity was commonly used at PPC, in this situation it was directed in anger at the claimant and she was negatively impacted and humiliated by her supervisor's constant swearing at her, including use of the "f-word," and verbal abuse. The supervisor repeatedly told the claimant she was not doing good work and asked if she was trying to get her fired but quality assurance told the claimant she was doing a good job. She reported to the employer October 10, 2013, and signed a voluntary quit form and indicated her best friend's husband had just been murdered so she was helping to care for her.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment 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.

In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. 871 IAC 24.25. Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

The claimant was not required to put up with verbal abuse, which included the use of profanity, from her supervisor. She reported the situation to human resources but there was no change in her supervisor's behavior. After enduring that treatment for two weeks the claimant quit her assignment. Because the working conditions were intolerable and detrimental to the claimant, the administrative law judge must conclude the claimant's leaving was for good cause. Therefore, benefits are allowed.

DECISION:

The November 19, 2013, reference 02, decision is affirmed. The claimant voluntarily left her employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs