

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**TAMMY L DAVIS**  
Claimant

**APPEAL NO: 19A-UI-05059-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**REM IOWA COMMUNITY SERVICES INC**  
Employer

**OC: 03/24/19**  
**Claimant: Respondent (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the June 17, 2019, reference 03, decision that allowed benefits to the claimant. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on July 9, 2019. The claimant participated in the hearing. Angela Behrend, Program Director and Amanda Lange, Employer Representative, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the claimant voluntarily left her employment for 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 program supervisor for REM Iowa Community Services from June 26, 2013 to April 8, 2019. On March 20, 2017, the claimant was working an overnight shift supervising three men in their home. At approximately 6:00 a.m. the claimant woke one of the men so he could start getting ready for the day. He grabbed her by her hair and repeatedly hit her in the face as he dragged her down the hallway to the kitchen where he picked up his hand held video game and hit her in the face with it several times. The other two men in the house woke up and tried to pry him off the claimant and eventually he turned his attention to one of them. The claimant got the phone but before she could dial 911 he began beating her in the head and face, bit her, and held her down on the ground. Several minutes passed before the claimant was able to get away from him and grab her cell phone and leave the house with the other two men. She called 911 and the police responded and arrested the perpetrator who was released later that morning and returned to the house. The claimant reported the incident to the employer and went to the emergency room where she was treated for a torn rotator cuff, bite marks, and bruising and then released. She did not return to work for the employer after the incident March 20, 2017.

On February 22, 2019, her psychiatrist stated in a letter that the claimant “needs to separate from her current employer and find work in a different field.” The claimant voluntarily left her employment April 8, 2019.

**REASONING AND CONCLUSIONS OF LAW:**

For the following reasons the administrative law judge concludes the claimant voluntarily left her employment with good cause attributable to the employer.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

Good cause need not be based on fault or wrongdoing on the part of the employer, but may be attributable to the employment itself. *Raffety v. IESC*, 76 N.W.2d 787 (Iowa 1956). Where illness or disease directly connected to the employment make it impossible for an individual to continue in employment because of serious danger to health, termination of employment for that reason is involuntary and for good cause attributable to the employer even if the employer is free from all negligence or wrongdoing. *Raffety v. IESC*, 76 N.W.2d 787 (Iowa 1956). A voluntary quit based on illness is clearly disqualifying except upon the advice of a licensed and practicing physician. *Taylor v. IDJS*, 362 N.W.2d 534 (Iowa 1985). Where disability is caused or aggravated by the employment, a resultant separation is with good cause attributable to the employer. *Shontz v. IESC*, 248 N.W.2d 88 (Iowa 1976).

The claimant was brutally attacked at work by a client and now suffers from post-traumatic stress and anxiety disorders. Her psychiatrist directed her to leave her job and find work in an area other than human services. The claimant left her employment due to intolerable and detrimental working conditions. Under these circumstances, the administrative law judge finds the claimant has demonstrated that her leaving was for good cause attributable to the employer. Therefore, benefits must be allowed.

**DECISION:**

The representative's decision dated June 17, 2019, reference 03, is affirmed. The claimant voluntarily quit with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/scn