

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEFANIA C MILLER
Claimant

APPEAL NO. 12A-UI-03829-L

**ADMINISTRATIVE LAW JUDGE
DECISION**

AGRISTAR MEAT & POULTRY LLC
Employer

OC: 03/04/12
Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the April 4, 2012 (reference 01) decision that denied benefits. After due notice was issued, a hearing was held on June 27, 2012 in Decorah, Iowa. Claimant participated with former subordinate employee, Anna Hill. Employer did not respond to the hearing notice instructions and did not participate.

ISSUE:

Did claimant voluntarily leave 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: Claimant was employed as a full-time supervisor in chicken cut up from 1995 through March 6, 2012 when she quit. After the employer hired new manager Alexandra Sanchez she changed employees around and the new employees were sent to claimant without safety equipment, glasses, and gloves so she sent them back for the equipment and Sanchez yelled at her in front of her subordinates. Sanchez screamed at her for any reason. She told the employees not to listen to claimant, even though she remained a supervisor. Claimant complained to chicken general manager Denny Boot but the situation did not improve. Sanchez also yelled at claimant after she indicated an employee should have been placed on light duty and would not allow her to alter the full duty work. Sanchez screamed and did not have experience and was giving inappropriate direction. She always spoke in a raised voice at people, which also resulted in Hill quitting a few days after claimant.

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.

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 use of profanity or offensive language in a confrontational, disrespectful, or name-calling context may be recognized as misconduct, even in the case of isolated incidents or situations in which the target of abusive name-calling is not present when the vulgar statements are initially made.” *Myers v. Emp’t Appeal Bd.*, 462 N.W.2d 734 (Iowa Ct. App. 1990).

Just as an employer is entitled to expect the use of civil language from employees, an employee may expect civil treatment from their employer. Sanchez’s verbal abuse was sufficient to grant claimant a good-cause reason attributable to the employer for leaving her employment. Benefits are allowed.

DECISION:

The April 4, 2012 (reference 01) decision is reversed. The claimant voluntarily left her employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/pjs