

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**SAMANTHA M SALLEN**

Claimant

**APPEAL NO. 17A-UI-03613-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DOLLAR TREE STORES INC**

Employer

**OC: 03/05/17**

**Claimant: Appellant (1)**

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Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated March 23, 2017, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on April 27, 2017. Claimant participated and had witness Jodi McFadden. Employer participated by Craig Weiner. Employer's Exhibits 1 through 4 were admitted into evidence.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on March 7, 2017. Claimant quit work on March 7, 2017 because claimant felt that she was bullied by her store manager who repeatedly insulted claimant and threatened claimant with job loss unless claimant wrote false statements and acted negatively about coworkers.

Claimant never shared her experiences with management or human resources prior to quitting, as she was fearful of negative repercussions. The district manager came to meet with employees months before claimant quit, as a coworker complained about the back-stabbing occurring at work. Claimant did not offer any complaints at the time. Over the next few months, claimant offered no complaints prior to her termination. Employer did keep a sign up in which any employee could call in with anonymous complaints about management.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she had been insulted and asked to do inappropriate and dishonest acts by her store manager.

Aside from quits based on medical reasons, prior notification of the employer before a resignation for intolerable or detrimental working conditions is not required. If the employer knew or should have known of the working conditions. See *Hy-Vee, Inc. v. Employment Appeal Board*, 710 N.W.2d 1 (Iowa 2005). In this matter, claimant complains of her boss being rude, insulting, and threatening, but when she was given the ability to privately complain to the district manager she didn't do so. Additionally, claimant never raised her concerns to her manager prior to her quit. Absent any complaints, it is not appropriate to say that employer knew or should have known of the intolerable working conditions.

**DECISION:**

The decision of the representative dated March 23, 2017, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

bab/rvs