

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ELIZABETH M BAHASSOU
Claimant

APPEAL NO. 11A-UI-05909-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**GOODWILL INDUSTRIES OF
THE HEARLAND**
Employer

**OC: 04/03/11
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed a timely appeal from a representative's decision dated April 22, 2011, reference 01, which denied unemployment insurance benefits. After due notice, a telephone hearing was held on May 31, 2011. The claimant participated personally. Participating as a witness for the claimant was Ms. Shirley Arens, the claimant's mother. The employer participated by Toni Markiewicz, Hearing Representative and witnesses, Kelley Gaully Hauser and Luther Batte.

ISSUE:

At issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Elizabeth Bahassou was employed by Goodwill Industries from April 16, 2007 until March 26, 2011 when she quit her employment without advance notice. Ms. Bahassou was employed as a full-time production clerk and was paid by the hour. Her immediate supervisor was the store manager, Luther Batte.

Ms. Bahassou left her employment with Goodwill Industries because she personally felt that she was being "harassed" by another individual employed by Goodwill Industries. The claimant believed that the harassment consisted of the other person's failure to answer the claimant's questions and because the other person on one occasion made an inappropriate comment to her.

It appears that the other unnamed individual had also made some statements that led the claimant to conclude that the other individual may have been suicidal. Ms. Bahassou visited her psychiatrist about the matter but was not specifically informed by her doctor that she should leave employment.

The employer has policies in place which prohibit harassment in the workplace, however, the employer was not notified in any manner by Ms. Bahassou of any job dissatisfactions or issues that needed to be resolved. At the time of quitting the claimant did not state a reason.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes that the claimant voluntarily left employment without 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.

An individual who voluntarily leaves their employment must first give notice to the employer of the reasons for quitting in order to give the employer an opportunity to address or resolve the complaint. Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993). An individual who receives a reasonable expectation of assistance from the employer after complaining about working conditions must complain further if the conditions persist in order to preserve eligibility for benefits. Polley v. Gopher Bearing Company, 478 N.W.2d 775 (Minn. App. 1991). Claimants are not required to give notice of an intention to quit due to intolerable, detrimental or unsafe working conditions if the employer had or should have had reasonable knowledge of the condition. Hy-Vee v. EAB, 710 N.W.2d 1 (Iowa 2005).

Inasmuch as the employer did not have reasonable knowledge of any detrimental or intolerable working conditions and the claimant did not give the employer an opportunity to resolve her complaints prior to leaving employment, the separation was without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's decision dated April 22, 2011, reference 01, is affirmed. The claimant left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, and meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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