

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**THOMAS COLLIER**  
Claimant

**APPEAL NO: 12A-UI-10372-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WELLS FARGO BANK NA**  
Employer

**OC: 08-05-12**  
**Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the August 23, 2012, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on September 24, 2012. The claimant participated in the hearing. The employer faxed a letter stating it did not wish to participate in the hearing. Claimant's Exhibit A was admitted into evidence.

**ISSUE:**

The issue is whether the claimant voluntarily left his 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 analytical consultant for Wells Fargo Bank from January 3, 2012 to August 2, 2012. The claimant started as a contract employee in that department prior to being hired by his direct supervisor, Diane Fest, as a full-time Wells Fargo employee. The project the claimant was working on was a very high pressure position and tension started to build because of Ms. Fest's behavior. She was verbally abusive to employees in front of the other employees in the department, loudly yelling about any errors made. Her outbursts occurred on average every other day and were intimidating, made the claimant and other employees feel stupid, inadequate, and afraid to try to do their job because they knew if they made an error, or even if they did not, Ms. Fest would find an excuse to go on a tirade because the claimant and other employees felt as if they could not do anything right. When the claimant was still working as a contract employee, another employee asked him to accompany her to Human Resources to report their treatment but the claimant was afraid to do so because he was attempting to be hired as a full-time employee. A few months after that employee complained to human resources her position was eliminated, further intimidating the other employees in the department, including the claimant. On one occasion in March 2012 Ms. Fest was upset with the claimant and embarrassed him by loudly stating, "You call yourself an analytical consultant? You are a disgrace." The claimant eventually just got up from his desk and headed to Ms. Fest's office when she was upset and verbally abusing him. The claimant did go to Human

Resources in March 2012 and reported his treatment by Ms. Fest but stated he did not want to file a formal complaint because he believed Ms. Fest would retaliate against him. He asked Human Resources what his other options were and was told he could ask Ms. Fest for a transfer to a different position. The claimant did so in July 2012 and Ms. Fest denied his request but the next day agreed to support his desire for a transfer. Two weeks later, on August 2, 2012, Ms. Fest was verbally abusive that morning when another issue with the data base arose and the claimant knew she would verbally assault him again. Later that day, Ms. Fest gave the claimant a written warning stating if he made an error in the next 60 days his employment would be terminated. The claimant believed Ms. Fest became aware he went to Human Resources in July 2012 and began keeping a paper trail of any problem or mistake the claimant had and was trying to force him out. Rather than face more verbal abuse and certain termination the claimant decided it was best to voluntarily resign his position with the employer.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his 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 unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). 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. Ms. Fest's treatment of the claimant and other employees was not only inappropriate, unacceptable and unprofessional but she also created a hostile work environment. Her actions led to intolerable and detrimental working conditions for the claimant because an employee should not have to accept public or private verbal abuse, intimidation, belittling comments, and scorn from his manager, regardless of the pressure of the job. In this situation the claimant was not able to even go to Human Resources without fear of retaliation. Under these circumstances, the administrative law judge concludes the claimant has demonstrated that his leaving was for good cause attributable to the employer as that term is defined by Iowa law. Therefore, benefits are allowed.

**DECISION:**

The August 23, 2012, reference 01, decision is reversed. The claimant voluntarily left his employment 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/pjs