

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROBERT C REUMAN**  
Claimant

**APPEAL NO. 12A-UI-00151-L**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GERALD W SLAUSON**  
**SLAUSON BUILDERS**  
Employer

**OC: 11/27/11**  
**Claimant: Respondent (1)**

Iowa Code § 96.5(1) – Voluntary Leaving

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the December 27, 2011 (reference 01) decision that allowed benefits. After due notice was issued, a hearing was held on February 6, 2012 in Cedar Rapids, Iowa. Claimant Reuman participated. Employer Slauson Builders (Slauson) participated through owner, Gerald Slauson and framer, Thomas Wilson.

**ISSUE:**

Did the claimant voluntarily leave the 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: Reuman was employed as a full-time carpenter from April 1, 2008 through September 27, 2011 when he quit. He called in sick a few times and later told the employer he had quit because his back hurt. He did not tell Slauson the real reason for the separation because he did not want further confrontation. Slauson had most recently told Reuman, who is white, “you niggered me.” Slauson admitted having made fun of Reuman’s dyslexia because of errors and said about his weight gain after a back injury, “Oh geez, look at your belly jiggle.” When Reuman asked Slauson to look at a blue print not long before the separation, Slauson responded, “Don’t tell me what the fuck to do, bitch.” The name-calling occurred both in front of coworkers and while Slauson and Reuman were alone.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes Reuman voluntarily left the employment with good cause attributable to Slauson.

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.

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. EAB*, 462 N.W.2d 734 (Iowa App. 1990). Inasmuch as an employer can expect professional conduct and language from its employees, claimant is entitled to a working environment without being the target of abusive, obscene, name-calling. An employee should not have to endure bullying or a public dressing down with abusive language directed at them, either specifically or generally as part of a group, in order to retain employment any more than an employer would tolerate it from an employee. The construction industry holds no exception. The verbal abuse created an intolerable work environment for Reuman that gave rise to a good cause reason for leaving the employment. Benefits are allowed.

**DECISION:**

The December 27, 2011 (reference 01) decision is affirmed. Reuman voluntarily left his employment with good cause attributable to Slauson. Benefits are allowed, provided he is otherwise eligible and the benefits withheld shall be paid.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

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