

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MISHA K ZIEHE**  
Claimant

**APPEAL NO. 10A-UI-11839-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TENCO INDUSTRIES, INC**  
Employer

**OC: 04/04/10**  
**Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Employer filed an appeal from a decision of a representative dated August 18, 2010, reference 02, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on October 8, 2010. Claimant participated with witnesses Danielle Hyde; Jo Lynn Caylor and Melissa Toomey. Employer participated by Joanie Lundy, Human Resource Coordinator and Angie Phillips, Community Living Manager. Exhibits A and One 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 July 28, 2010. Claimant worked in a residential care facility. The building was infested with bed bugs. Employer had attempted to exterminate the bugs to no avail. Employer did not remove the carpet but instead treated it. Employer removed furnishing from two of the five rooms. Employer most recently started spraying every month. Claimant became very sensitive to the bites. Claimant quit because she could no longer tolerate bed bug bites at work. Claimant had made complaints to the employer about the bites.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of a bed bug infestation. The bites caused claimant serious irritation. This is an intolerable and detrimental working condition since employer had ample opportunity to resolve the problem prior to the termination. Employer has an obligation to take prompt remedial action when an employee is being harmed. This is true even when the harm is from bed bug bites. Here employer failed to make the workplace safe from bed bug bites. Benefits allowed.

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.

**DECISION:**

The decision of the representative dated August 18, 2010, reference 02, is affirmed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/pjs