

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOSE L CASTILLO
Claimant

APPEAL NO. 13A-UI-11752-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE UNIVERSITY OF IOWA
Employer

OC: 09/15/13
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated October 3, 2013, reference 01, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on November 13, 2013. The parties were properly notified about the hearing. The claimant participated in the hearing. Mary Eggenburg participated in the hearing on behalf of the employer with a witness, Greg Dirks.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked full time for the employer as a custodian from October 2009 to July 26, 2013. He started working in the hospital on the second shift but requested and was granted a transfer to the dormitories because he wanted day-shift hours.

After transferring to the dorms, the claimant felt he was being harassed by his coworkers and was dissatisfied with the work environment so he resigned effective July 26, 2013, after giving two weeks' notice. The claimant had complained to supervisors in 2011 about a coworker taking his property but he later found it in his car. A short time later, he complained that coworkers were talking about his work performance behind his back but no merit was found in his complaint. He did not make any recent complaints because he did not think it would do any good. The claimant has irritable bowel syndrome that he felt was affected by conditions at work.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1.

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 claimant was asked to provide some specific example of behavior that he considered harassing. He could not provide anything specific besides coworkers making false accusations, talking about his needing to use bathroom often, and saying he was involved with girls in the dorm. The person who he identified as the ringleader was not even working for the employer when the claimant quit. He admitted he not made any recent complaints about problems at work. There is no specific information on which to conclude that the employer created intolerable working conditions. Good cause attributable to the employer has not been proven in this case.

DECISION:

The unemployment insurance decision dated October 3, 2013, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs