

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

LISA D NUETON

Claimant

PETROMART STANWOOD INC

Employer

APPEAL NO. 17A-UI-09994-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 09/03/17

Claimant: Appellant (2)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated September 21, 2017, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on October 16, 2017. Claimant participated and had witnesses Tyler Brecht, Kara Robinson, and Shawn Nueton. Employer participated by Balwinder Boyal. Claimant's Exhibits A-D and F 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 August 30, 2017. Claimant voluntarily quit on that date as she believed she could no longer continue to work for an employer that publicly berated her and asked employees to do improper and potentially dangerous actions.

Claimant worked as a manager for employer at a convenience store. Claimant stated that her manager – the store co-owner – constantly berated claimant and made her feel poorly, and did so in front of customers. Claimant stated that she was accused by an owner of stealing from the store and was called "stupid" repeatedly. Employer also told a person claimant oversaw to pull rotten meat out to be cooked for taco meat. When claimant asked the owner why he'd done this, he just smiled.

Claimant brought a co-worker – who'd been terminated by employer for allegedly stealing – to testify on her behalf. The co-worker stated that claimant was often berated in front of co-workers and customers. Claimant also submitted letters from both current and former employees telling of owners' inappropriate actions towards their workers. Workers were forced to work when throwing up and insulted by employer.

Employer denied all of the accusations. It was employer's belief that claimant quit because she was denied a requested day off as she did not get anyone to fill in her shift.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

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 the work environment was not a positive one. Claimant was demeaned in front of co-workers and customers, wrongfully accused of theft, and asked to cook rotted meat for customers. The combination of these events created an environment where it was reasonable for claimant to not continue with the employment.

DECISION:

The decision of the representative dated September 21, 2017, reference 01, is reversed. Unemployment insurance benefits are allowed provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn