

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**APRIL COLBURN**

Claimant

**APPEAL NO. 09A-UI-05046-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MARRIOTT HOTEL SERVICES INC**

Employer

**Original Claim: 11-23-08**

**Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the March 18, 2009, reference 02, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on May 28, 2009. The claimant participated in the hearing. The employer provided a phone number prior to the hearing but was not available at that number at the time of the hearing and did not participate in the hearing or request a postponement of the hearing as required by the hearing. Claimant's Exhibits A through M were admitted into evidence.

**ISSUE:**

The issue is whether the claimant voluntarily left her 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 event concierge/convention coordinator for Marriott Hotel Services from March 1, 2008 to February 24, 2009. She quit due to a hostile working environment. The claimant was absent from work for several days in October 2008 due to work-related stress and anxiety. Betsy Bell and Aaron Ohlert, who were in supervisory positions, were the main source of the harassment. They were in a relationship and harassed the claimant by laughing at her and spreading rumors about her and generally making her working environment miserable. They did things such as blocking the door so the claimant could not leave, making sexual innuendos, calling the claimant a jailbird, and asking if other people enjoyed her "whore boots." On February 10, 2009, Ms. Bell did not want to do the banquet checks. She was supposed to consult the claimant's new manager if she wanted the claimant to perform the task. The claimant indicated she was busy and to check with her manager and Ms. Bell said, "You're my bitch, not her bitch." Because of the resulting health conditions the claimant was experiencing, her doctor recommended she leave her position and, consequently, the claimant voluntarily left her job February 24, 2009.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her 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 dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). 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. Bell and Mr. Ohlert, as well as others, made the claimant's working conditions intolerable and detrimental, and it affected her health to the point that her doctor recommended she leave her position. She contacted Human Resources and the Corporate Office to no avail. She asked for a meeting of the parties and that was denied, as was her request for a medical leave of absence. Under these circumstances, the administrative law judge must conclude the claimant voluntarily left her employment with good cause attributable to the employer. Therefore, benefits must be allowed.

**DECISION:**

The March 18, 2009, reference 02, decision is reversed. The claimant voluntarily left her employment with good cause attributable to the employer. Benefits are allowed, provided she is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/kjw