

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JODY R TRUITT
Claimant

TLH CLEANING LLC

APPEAL NO. 16A-UI-10949-B2

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 09/11/16
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 October 3, 2016, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled in person and held on November 2, 2016. Claimant participated and had witness Melissa Truitt. Employer participated by Ted Hammes. Employer's exhibit 1 and claimant's exhibits A-C 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 September 12, 2016. Claimant quit his employment on September 13, 2016.

Employer was contracted to do cleaning for rest stops on highways. Employer had a worker under its employ that had mental health problems. Employer terminated the person in January 2016, but after his termination, this person continued to stay, and for a time, live at the rest stop. Employer received incorrect information from an official with the IDOT that there was nothing that could be done to remove the former employee from the rest stop. Claimant was assaulted by the former employee while at work. Claimant told his supervisor, but did not call the police. The supervisors did not contact higher superiors within employer's company. The harassment continued. The former employee continued to torment claimant until claimant believed that he could no longer work for employer while the former employee was constantly hanging out at the rest stop and bothering claimant. After claimant quit, employer got a judge's order barring the former employee from the rest stops.

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 a former employee continually harassed claimant. Other workers admitted that claimant was harassed and further admitted that claimant went to his supervisors and told them of his harassment, to no avail.

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.

DECISION:

The decision of the representative dated October 3, 2016, 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/pjs