

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JULIE COLTRAIN**

Claimant

**APPEAL NO: 10A-UI-14396-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SPECIALTY SALES INC**

Employer

**OC: 08-08-19**

**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the October 13, 2010, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on January 27, 2011. The claimant participated in the hearing with Attorney Harvey Harrison. John Mahler, Owner, participated in the hearing on behalf of the employer with Attorney Adam Zenor. Claimant's Exhibit A was 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 administrative assistant for Specialty Sales from September 1, 2008 to August 11, 2010. Her husband was also an employee for Specialty Sales. On August 11, 2010, the claimant's husband, Michael Coltrain, had a confrontation with Owner John Mahler and alleged Mr. Mahler assaulted him by touching his shoulder. After leaving to do a job and returning, during which time he consulted his attorney, Mr. Coltrain met with Mr. Mahler and demanded that he provide three months' severance pay to he and the claimant and they would resign or else he was going to call the Sheriff's Office and report he was assaulted. Mr. Mahler stated the situation did not have anything to do with the claimant and Mr. Coltrain said, "Yes, it does. We're married and I'm not going to quit and leave her here to work for you" and then repeated his offer of not contacting the Sheriff if Mr. Mahler paid he and his wife three months' severance. Mr. Mahler refused his demand and Mr. Coltrain went out to the general office where the claimant worked and called the Sheriff's Office. While speaking to the dispatcher about the situation Mr. Coltrain mentioned that his wife, the claimant, was present as well, and the dispatcher advised Mr. Coltrain and the claimant to go outside. A deputy arrived and spoke to the claimant and her husband and then went in to speak to Mr. Mahler and came back and said he was going to issue a citation for simple assault to Mr. Mahler and would accompany the claimant and her husband back in the building to retrieve their belongings. The parties went inside and when they went back to the parking lot the deputy told Mr. Coltrain not to return or he would face trespassing charges. Mr. Mahler never spoke to the claimant or told her that her employment was terminated and had no intention of discharging

her. He never acted in a physically inappropriate manner toward her but she testified she would not have returned to work because the situation between Mr. Mahler and her husband made the work environment unsafe.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without 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 unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). 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. While the claimant's husband had a confrontation with Mr. Mahler, the claimant was not involved in that incident until her husband came out of Mr. Mahler's office and used her phone to call the Sheriff's Office and they left the building to wait in the parking lot. Her husband was instructed not to return or he would be cited for trespassing but the deputy did not tell the claimant she could not return. During the claimant's nearly two years of employment Mr. Mahler never threatened the claimant in any manner nor did he tell her that her employment was terminated. The claimant chose not to return because of the conflict between her husband and Mr. Mahler which did not involve her, although it is understandable that she did not return in solidarity with her husband. She did not report for work the following morning to see that she still had her job. Consequently, while the claimant quit because of the incident with her husband and the employer in support of her husband, she has not demonstrated that her leaving was for good cause attributable to the employer as defined by Iowa law. Therefore, benefits must be denied.

### **DECISION:**

The October 13, 2010, reference 01, decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

---

Julie Elder  
Administrative Law Judge

---

Decision Dated and Mailed

je/css