

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBERTA K POWELL
Claimant

APPEAL NO. 07A-UI-10849-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EMCO ENTERPRISES INC
Employer

**OC: 10/21/07 R: 02
Claimant: Appellant (2)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated November 13, 2007, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on December 10, 2007. The parties were properly notified about the hearing. The claimant participated in the hearing. Rachel Thompson participated in the hearing on behalf of the employer with a witness, Mary Bordwell.

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 second-shift warehouse clerk from April 6, 1996, to July 19, 2007. The claimant quit employment with two weeks' notice due to the stress of working short staffed, what she considered to be the excessive amount of mandatory overtime required by the job, and because she was informed at the end of June that she was not getting a raise because she had reached the employer's compensation cap.

The claimant worked 284 hours of overtime in 2004, 370 hours in 2005, and 433 hours in 2006. As of July 19, 2007, the claimant had worked 260 hours of overtime. During the majority of her employment, there were two employees working on second shift. During 2007, the employer reduced the staff on the second shift to just the claimant. The employer also cut staff on the first shift. Despite the cut in staff, production increased, which caused the claimant to have to work harder and to work more overtime hours. Normally, extra temporary staff are hired during the peak summer period, but this did not happen in 2007.

The claimant complained to management about the extra work and overtime hours, but nothing was done to correct the situation. She had problems getting requests for vacation and other time off approved.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit 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.

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 evidence establishes that the claimant left work due to working conditions that a reasonable person would find intolerable and detrimental. She notified the employer about these conditions but nothing was done to correct them. In essence, she was being required to perform the work that required two employees in the past, which is evidenced by the fact that she had almost the same amount of overtime in six months that she had during the entire year in 2004. Good cause attributable to the employer has been proven in this case.

DECISION:

The unemployment insurance decision dated November 13, 2007, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw