

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

KELLY WULF
421 ADAMS ST
MUSCATINE IA 52761

GENESIS HEALTH SYSTEM
1227 E RUSHOLME ST
DAVENPORT IA 52803

Appeal Number: 04A-UI-10439-S2T
OC: 08/29/04 R: 04
Claimant: Respondent (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Genesis Health System (employer) appealed a representative's September 17, 2004 decision (reference 01) that concluded Kelly Wulf (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on October 18, 2004. The claimant participated personally. The employer participated by Heidi Kahly-McMahon, Human Resources Manager.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on August 2, 2001, as a full-time receptionist. The claimant's supervisor, Connie Strong, yelled at the claimant almost every day. Ms. Strong

yelled at the claimant if she was having a bad day, if someone else had not performed their duty or if the claimant made a mistake. Once a co-worker asked Ms. Strong to lower her voice so customers would not hear. Customers sympathized with the claimant.

Ms. Strong and Ms. Strong's supervisor, Ms. King, told the claimant to go to Mr. Middleton if she had a complaint. The claimant complained to Mr. Middleton about Ms. Strong. The claimant was advised to bring her concerns to Ms. Strong. She did so but Ms. Strong again yelled at the claimant. The claimant went back to Mr. Middleton saying she could not take the abuse. He said he would take care of it and talk to Ms. Strong.

On July 20, 2004, Ms. Strong yelled at the claimant. Ms. King attempted to arrange a meeting between the claimant and Ms. Strong. The claimant refused and walked off the job.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant voluntarily quit without good cause attributable to the employer. For the following reasons the administrative law judge concludes she did not.

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 law presumes a claimant has left employment with good cause when she quits because of intolerable or detrimental working conditions. 871 IAC 24.26(4). In order to show good cause for leaving employment based on intolerable or detrimental working conditions, an employee is required to take the reasonable step of informing the employer about the conditions the employee believes are intolerable or detrimental and that she intends to quit employment unless the conditions are corrected. The employer must be allowed a chance to correct those conditions before the employee takes the drastic step of quitting employment. Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993). The claimant informed the employer of the working conditions and that she intended to quit if the conditions were not corrected. The claimant gave the employer notice. She left work with good cause attributable to the employer and, therefore, the claimant is eligible to receive unemployment insurance benefits.

DECISION:

The representative's September 17, 2004 decision (reference 01) is affirmed. The claimant voluntarily left work with good cause attributable to the employer. Benefits are allowed.

bas/s