

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**PAUL D HEDLEY**  
Claimant

**DSM HOCKEY LLC**  
Employer

**APPEAL 20A-UI-12994-S2-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 06/14/20**  
**Claimant: Appellant (2)**

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Iowa Code § 96.5(1) – Voluntary Quit  
Iowa Admin. Code r. 871-24.26(4) – Intolerable working conditions

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the October 16, 2020, (reference 01) unemployment insurance decision that denied benefits based upon his voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on December 15, 2020. Claimant, Paul D. Hedley, participated and testified. Employer, DSM Hockey, LLC, did not participate.

**ISSUE:**

Was the separation a layoff, discharge for misconduct or voluntary quit without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed part-time as a maintenance worker at an ice arena. He began working under previous owners of the arena in 2006 and began working for this employer in mid-to-late 2017. He voluntarily quit his employment on November 25, 2020. Claimant's job duties consisted of cleaning, ice maintenance, and ensuring ice making machinery ran smoothly. Claimant's supervisor was James Mahedy.

Claimant worked under Mahedy for approximately ten years. Over those years, Mahedy told claimant that he could not do anything correctly, he was stupid, and he was an idiot. This behavior began infrequently and increased over time. By the time claimant left his employment Mahedy's conduct occurred every shift they worked together. Mahedy made these comments directly to claimant as well as to other employees. Mahedy frequently used profanity when he spoke to claimant.

Claimant spoke to management about Mahedy's conduct multiple times, especially over the last two years of his employment. Managers told claimant that was "just the way [Mahedy] is." Vice President Dawn Swanson spoke to Mahedy several times after claimant complained to her. Mahedy's conduct would improve for a few days but then he would revert back to the insults, name-calling, and degrading comments.

Claimant decided his work situation would not improve so he notified management of his resignation on November 25, 2020.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge finds that the claimant voluntarily quit with good cause attributable to the employer.

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.

A voluntary quitting means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer and requires an intention to terminate the employment. *Wills v. Emp't Appeal Bd.*, 447 N.W. 2d 137, 138 (Iowa 1989). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980); *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992). In this case, the claimant voluntarily quit his employment. As such, claimant must prove that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973).

Iowa Admin. Code r. 871-24.26(4) provides:

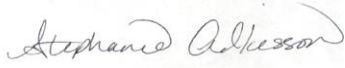
Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

- (4) The claimant left due to intolerable or detrimental working conditions.

In this case, the supervisor's conduct created a hostile working environment for claimant. Claimant complained multiple times about the issues with Mahedy, but they were not resolved. A reasonable person would not have continued on in the work environment. Claimant has proven that his working conditions were intolerable. Thus, claimant established he resigned for a good cause reason attributable to employer.

**DECISION:**

The October 16, 2020, (reference 01) unemployment insurance decision is reversed. The claimant voluntarily left his employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.



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December 28, 2020  
Decision Dated and Mailed

sa/mh