

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MELEAH M THUESEN**  
Claimant

**APPEAL NO. 09A-UI-11974-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FLYING J INC**  
Employer

**OC: 07/12/09**  
**Claimant: Respondent (1)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Flying J, Inc. filed an appeal from a representative's decision dated August 11, 2009, reference 01, which held that no disqualification would be imposed regarding Meleah Thuesen's separation from employment. After due notice was issued, a hearing was held by telephone on September 3, 2009. Ms. Thuesen participated personally and was represented by E J Gallagher, Attorney at Law, who offered additional testimony from Pat Morris, Jamie Tyler, and Travis Roberts. The employer participated by Lori Smith, General Manager.

**ISSUE:**

At issue in this matter is whether Ms. Thuesen was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Thuesen was employed by Flying J, Inc. from June 22, 2008 until July 11, 2009 as a full-time assistant manager. She quit the employment because of the conduct of another employee, Cheyene Boling. Ms. Boling was making untrue and unflattering statements about Ms. Thuesen to customers and to other employees. She complained to the general manager on several occasions but the problem persisted.

Ms. Boling told others that Ms. Thuesen passed her children off to her parents so she could go to Des Moines to "shack up" with men. She told some regular customers that Ms. Thuesen would go to Des Moines to get a "piece of ass." The general manager received complaints from others that were consistent with the complaints voiced by Ms. Thuesen. She spoke to Ms. Boling at least five times about her treatment of others. Ms. Boling was never formally disciplined regarding her conduct and is still employed by Flying J, Inc.

**REASONING AND CONCLUSIONS OF LAW:**

An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code

section 96.5(1). For reasons that follow, the administrative law judge concludes that Ms. Thuesen had good cause attributable to her employer for quitting. The comments being made by Ms. Boling had the potential of casting Ms. Thuesen in a bad light with respect to her coworkers and customers.

An employer is not expected to be able to totally control gossip and rumors in the workplace. Ms. Boling was entitled to her opinion regarding Ms. Thuesen's personal conduct. However, there is a line between gossiping among coworkers and sharing that gossip with customers. Customers, especially those who were there on a regular basis, may have formed a low opinion of Ms. Thuesen based on statements from Ms. Boling. The employer was well aware of the types of complaints being made against Ms. Boling as it spoke to her at least five times about her conduct. It became clear the employer was not going to take any effective steps to control her behavior.

For the reasons stated herein, it is concluded that good cause attributable to the employer has been established by the evidence. As such, benefits are allowed.

**DECISION:**

The representative's decision dated August 11, 2009, reference 01, is hereby affirmed. Ms. Thuesen quit her employment with Flying J, Inc. for good cause attributable to the employer. Benefits are allowed, provided she is otherwise eligible.

---

Carolyn F. Coleman  
Administrative Law Judge

---

Decision Dated and Mailed

cfc/pjs