

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JACOB A MEYER
Claimant

APPEAL NO. 09A-UI-08852-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QUALITY EGG
Employer

OC: 05/10/09
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated June 10, 2009, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on July 7, 2009. Claimant participated. Employer participated by Allison Marshall, Payroll, Human Resources and Dominic Murga, Crew Chief.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on May 8, 2009. Claimant quit May 9, 2009 because of harassment by a supervisor. Claimant was harassed about his rate of pay and because he was not Mexican. Claimant was told that he could not work as hard as a Mexican. Claimant went to human resources to complain. The on duty human resource representative provided no assurance that prompt remedial action would result. Claimant then quit on May 9, 2009. Employer has a policy that prohibits harassment.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of harassment based on race and rate of pay. This is an intolerable and detrimental work environment. Employer when informed of the harassment employer gave no indication of prompt and remedial actions to end the illegal behavior. This is good cause attributable to employer for a quit.

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(3) and (4) provide:

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:

(3) The claimant left due to unlawful working conditions.

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

DECISION:

The decision of the representative dated June 10, 2009, reference 01, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css