

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**BIANCA K TRUMBLE**  
Claimant

**GRANT CONSULTING GROUP LLC**  
Employer

**APPEAL 24A-UI-03735-PT-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/17/24  
Claimant: Respondent (1)**

Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Admin. Code r. 871-24.26(4) – Quit due to Intolerable Working Conditions  
Iowa Code § 96.3(7) – Overpayment of Benefits  
Iowa Admin. Code r. 871-24.10 – Employer Participation in Fact-finding Interview

**STATEMENT OF THE CASE:**

The employer, Grant Consulting Group LLC, filed an appeal from a decision of a representative dated April 3, 2024, (reference 01) that held the claimant eligible for unemployment insurance benefits after a separation from employment. After due notice, a telephone hearing was held on April 30, 2024. The claimant, Bianca Trumble, participated personally with her spouse David Trumble. The employer participated through Owner/Manager Robert Grant. The employer's Exhibit 1 and the Claimant's Exhibit A were admitted into evidence. The administrative law judge took official notice of the administrative record.

**ISSUES:**

Whether the claimant quit for good cause attributable to the employer.  
Whether claimant has been overpaid any unemployment insurance benefits, and if so, whether the repayment of those benefits to the agency can be waived?  
Whether any charges to the employer's account can be waived?

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: The claimant was employed as a full-time bookkeeper from April 15, 2021, until her employment with Grant Consulting Group LLC ended on March 15, 2024. As a bookkeeper, the claimant was responsible for assisting vendors and clients, preparing quotes and invoices, and entering data into quickbooks. The claimant worked remotely from home from 7:00 a.m. to 3:00 p.m. Monday through Friday.

For the first two years of the claimant's employment, the claimant had a positive working relationship with the owner, who was also her direct supervisor. However, in August 2023, the claimant was assigned to oversee a large-scale project for the first time. In the weeks following the claimant's project assignment, the owner began reviewing the claimant's work more closely and he became more critical of the claimant's mistakes, even if they were relatively minor. In addition to providing the claimant more critical feedback, the owner also began discussing the

claimant's mistakes in front of another employee in the company group chat, which caused the claimant significant embarrassment and distress.

In the six months prior to the claimant's separation, during phone calls and virtual meetings, the owner sometimes became upset, yelled, and on a few occasions cursed at the claimant. The claimant's spouse testified that he overheard the owner yell at the claimant during meetings on several occasions. During one meeting, the claimant messaged the owner stating that she did not appreciate the way he had spoken to her. While the owner did apologize for his conduct, in the weeks that followed, the owner's inappropriate behavior towards the claimant continued.

Due to the owner's treatment, on February 28, 2024, the claimant sent the owner an email stating that she was resigning her employment effective March 15, 2024. In the email, the claimant did not provide a reason as to why she was leaving. The employer accepted the claimant's resignation. Continued work was available, had the claimant not resigned from her employment.

The claimant's administrative records reflect that the claimant filed her original claim for benefits with an effective date of March 17, 2024, and weekly continued claims for benefits for seven weeks between March 17 and May 4, 2024. The claimant has received total unemployment insurance benefits of \$2,891.00. The employer did not participate in the fact-finding interview with Iowa Workforce Development because it did not receive notice of the interview.

#### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily quit her employment with good cause attributable to the employer. Benefits are allowed.

Iowa unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code §§ 96.5(1) and 96.5(2)a. The burden of proof rests with the employer to show that the claimant voluntarily left the employment. *Irving v. Empl. App. Bd.*, 883 N.W.2d 179 (Iowa 2016). A voluntary quitting of employment requires that an employee exercise a voluntary choice between remaining employed and terminating the employment relationship. *Wills v. Emp't Appeal Bd.*, 447 N.W.2d 137, 138 (Iowa 1989); *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438, 440 (Iowa Ct. App. 1992). It requires an intention to terminate the employment relationship accompanied by an overt act carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

In this case, the claimant's written resignation to the employer is both evidence of her intention to sever the employment relationship and an overt act carrying out her intention. The employer has established that the claimant, not the employer, ended the employment relationship. As such, I find that claimant quit her employment.

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.

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.

The claimant has the burden of proving 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). A notice of intent to quit is not required when an employee quits due to intolerable working conditions. *Hy-Vee, Inc. v. Emp't Appeal Bd.*, 710 N.W.2d 1 (Iowa 2005).

The use of profanity or offensive language in a confrontational, disrespectful, or name-calling context may be recognized as misconduct, even in the case of isolated incidents or situations in which the target of abusive name-calling is not present when the vulgar statements are initially made." *Myers v. Emp't Appeal Bd.*, 462 N.W.2d 734 (Iowa Ct. App. 1990). Inasmuch as an employer can expect professional conduct and language from its employees, the claimant is entitled to a working environment without being the target of hurtful statements and abusive name-calling.

The decision in this case rests, in part, on the credibility of the witnesses. It is the duty of the administrative law judge as the trier of fact in this case, to determine the credibility of witnesses, weigh the evidence and decide the facts in issue. *Arndt v. City of LeClaire*, 728 N.W.2d 389, 394-395 (Iowa 2007). The administrative law judge may believe all, part or none of any witness's testimony. *State v. Holtz*, 548 N.W.2d 162, 163 (Iowa App. 1996). In assessing the credibility of witnesses, the administrative law judge should consider the evidence using his or her own observations, common sense and experience. *Id.* In determining the facts, and deciding what testimony to believe, the fact finder may consider the following factors: whether the testimony is reasonable and consistent with other believable evidence; whether a witness has made inconsistent statements; the witness's appearance, conduct, age, intelligence, memory and knowledge of the facts; and the witness's interest in the trial, their motive, candor, bias and prejudice. *Id.*

The findings of fact show how I have resolved the disputed factual issues in this case. After assessing the credibility of the witnesses who testified during the hearing, considering the applicable factors listed above and using my own common sense and experience, the administrative law judge finds the claimant's version of events to be more credible than the employer's recollection of those events. While I found the owner's testimony to also be reasonably credible, there were a few inconsistencies that led the undersigned to conclude that the owner's recollection of his conduct might have been understated and not entirely accurate. For this reason, the administrative law judge has given greater weight to the claimant's version of events than to the employer's version of events.

In this case, the claimant was subjected to condescending remarks, yelling, and occasional profanity from the business owner on a somewhat regular basis during the final year of her employment. This amounts to a detrimental working environment and the claimant was not obligated to report these conditions and give the employer an opportunity to correct the situation. When the business owner is the individual responsible for creating the intolerable work environment, it is difficult to conceive of a remedy other than leaving the environment entirely.

As such, the claimant has established she quit with good cause attributable to the employer. Benefits are allowed.

Because the claimant's separation was not disqualifying, the issues of overpayment, repayment, and charges are moot.

**DECISION:**

The April 3, 2024 (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily quit employment on March 15, 2024, with good cause attributable to the employer. There was no disqualifying separation with this employer. The claimant is allowed benefits, provided she remains otherwise eligible. The issues of overpayment, repayment and chargeability are moot.



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Patrick B. Thomas  
Administrative Law Judge

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May 20, 2024  
Decision Dated and Mailed

PBT/jkb

**APPEAL RIGHTS.** If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Iowa Employment Appeal Board  
6200 Park Avenue Suite 100  
Des Moines, Iowa 50321  
Fax: (515)281-7191  
Online: [eab.iowa.gov](http://eab.iowa.gov)**

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.

**AN APPEAL TO THE BOARD SHALL 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.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

**Note to Parties:** YOU MAY REPRESENT yourself in the appeal or 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.

**Note to Claimant:** It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

**SERVICE INFORMATION:**

A true and correct copy of this decision was mailed to each of the parties listed.

**DERECHOS DE APELACIÓN.** Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Iowa Employment Appeal Board  
6200 Park Avenue Suite 100  
Des Moines, Iowa 50321  
Fax: (515)281-7191  
En línea: [eab.iowa.gov](http://eab.iowa.gov)**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

**UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:**

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiriera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

**Nota para las partes:** USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

**Nota para el reclamante:** es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

**SERVICIO DE INFORMACIÓN:**

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.