

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JANET L ADAMS
Claimant

ELITE SALES PROCESSING INC
Employer

APPEAL 21A-UI-20717-JC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/25/21
Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant/appellant, Janet L. Adams, filed an appeal from the September 17, 2021 (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on November 1, 2021. The claimant participated. The employer, Elite Sales Processing Inc., did not respond to the notice of hearing to furnish a phone number with the Appeals Bureau and did not participate in the hearing. The administrative law judge took official notice of the administrative records. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full-time as a risk collection analyst beginning January 11, 2021 and was separated from employment on July 26, 2021 when she quit without notice. Continuing work was available.

Claimant quit the employment following a series of events involving her direct manager. Claimant had attended a cyber-security course, which provided direction that employees should report to management any suspicious emails received. Approximately two weeks before separation, claimant received an email from her manager, asking for her computer password. Claimant reported the email as possible “phishing” per her understanding of employer rules. Shortly thereafter, her manager called her, and questioned why claimant had not responded to the email. When claimant explained, her manager began yelling at her. Claimant would not provide her password to the manager and reported the interaction to human resources. Claimant received verification that her manager should not have asked for her password and claimant opined her manager may have been reprimanded due to her complaint.

Claimant was then removed immediately from her current assignment and put on a new program. Claimant was assigned a trainer who said the program is designed for two to three weeks of training but claimant would only receive two days of training. Claimant's trainer said it there was no way for claimant to learn all the functions in that short period of time. Claimant was concerned she was being retaliated against and reported her concerns. A meeting was held with employer and management, which confirmed the training was supposed to be two to three weeks.

Claimant then took a pre-approved, scheduled vacation for a week. The day she returned, she logged into work and was immediately called by her manager. Claimant was informed one of her new calls had been recorded and audited from her two days of training. Claimant's manager then berated claimant, going line by line of the call, saying "Janet did not do this correctly" repeatedly. Claimant felt intimidated, bullied and belittled by the continued treatment of her manager. Claimant had previously sought medical attention to anxiety and depression she was feeling from workplace conditions. Upon the call ending, claimant tendered her resignation effective immediately and separation ensued.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's separation from the employment was with good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

The claimant has the burden of proof to establish she quit with good cause attributable to the employer, according to Iowa law. "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. Industrial Relations Commission*, 277 So.2d 827 (Fla. App. 1973).

Ordinarily, "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code section 96.2. *O'Brien v. EAB*, 494 N.W.2d 660, 662 (Iowa 1993)(citing *Wiese v. Iowa Dep't of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the element of good faith." *Wiese v. Iowa Dep't of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986) "[C]ommon sense and prudence must be exercised in evaluating all of the circumstances that lead to an employee's quit in order to attribute the cause for the termination." *Id.*

Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See 871 IAC 24.26(4). The test is whether a reasonable person would have quit under the circumstances. See *Aalbers v. Iowa Department of Job Service*, 431 N.W.2d 330 (Iowa 1988) and *O'Brien v. Employment Appeal Bd.*, 494 N.W.2d 660 (1993).

An employer has the right to allocate personnel in accordance with the needs and available resources. *Brandl v. Iowa Dep't of Job Serv.*, (No. ___-___/___-___, Iowa Ct. App. filed ___,

1986). However, in this case, the credible evidence presented supports the claimant was reassigned to a new position without adequate training directly in response to her reporting her manager's requesting of her passwords. This was coupled with management then belittling her for errors made after insufficient training. An employee has the right to work in an environment free from bullying, belittling and degrading behavior from management. The claimant has established she had good cause to quit the employment according to Iowa law. Benefits are allowed, provided she is otherwise eligible.

DECISION:

The unemployment insurance decision dated September 17, 2021, (reference 01) is REVERSED. The claimant has established she had good cause to quit the employment according to Iowa law. Benefits are allowed, provided she is otherwise eligible.



Jennifer L. Beckman
Administrative Law Judge
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November 23, 2021
Decision Dated and Mailed

jlb/ol