

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MAYRA S TAPIA
Claimant

LONG LINES LLC
Employer

APPEAL 15A-UI-10384-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/23/15
Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the September 10, 2015, (reference 01) unemployment insurance decision that denied benefits based upon a voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on September 29, 2015. Claimant participated. Employer participated through hearing representative, RoxAnne Rose and finance manager, Jason Kvidera. Employer's Exhibits 1 and 2 were received.

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: Claimant was employed full time as a technical support in the internet department for approximately five years until she was separated from employment on August 24, 2015, when she resigned.

During the last month of her employment, employer was undergoing an email conversion which impacted many of its customers. Only claimant and one other employee were permanently assigned to take incoming calls regarding the issue. The number of calls became unmanageable. Claimant was unable to return customer's calls for three to four days. Customer wait times on the phone were up to 100 minutes. Customers became irate toward claimant regarding the wait times. Claimant was familiar with the customers who became angry with her. The situation was very stressful for claimant. Claimant complained to Kvidera about the situation at least three times. However, employer did not take steps to resolve or even improve the situation. Claimant could no longer take the stress of the position and resigned on August 24, 2015.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant voluntarily left the employment 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.

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.

No reasonable person would tolerate a work environment that required talking to extremely angry customers all day long and an employer who neglected to do anything to improve the situation. The constant anger from customers created an intolerable work environment for claimant that gave rise to a good-cause reason for leaving the employment.

DECISION:

The September 10, 2015, (reference 01) unemployment insurance decision is reversed. Claimant voluntarily left the employment with good cause attributable to the employer. Benefits are allowed, provided she is otherwise eligible and the benefits withheld shall be paid.

Christine A. Louis
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Decision Dated and Mailed

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