

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

**VICKIE J CALDWELL**  
Claimant

**JEFFERSON PTRS LP**  
Employer

**APPEAL 24A-UI-01011-S2-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/23/23**  
**Claimant: Appellant (2)**

Iowa Code § 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the January 17, 2024, (reference 05) unemployment insurance decision that denied benefits based upon her voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on February 15, 2024. Claimant Vickie Caldwell participated and testified. Employer Jefferson Ptrs, LP did not call the toll-free number listed on the hearing notice at the time of the hearing and did not participate. Claimant's Exhibits A – G were received.

**ISSUE:**

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

**FINDINGS OF FACT:**

As claimant was the only witness, the administrative law judge makes the following findings based solely on claimant's testimony: Claimant was employed full-time as a customer service representative from June 20, 2023, until December 11, 2023, when she quit.

Claimant's supervisor and coworkers were disrespectful towards her and created a difficult working environment. They would have loud, inappropriate conversations while claimant was taking calls. She often had to place the customers on hold until they stopped laughing and swearing. Claimant's supervisor regularly disparaged the company and customers, as well as other employees. She shared employees' personal information with other employees and made fun of them. Claimant asked her supervisor on multiple occasions not to talk about other employees and to keep a quiet work environment, but she dismissed claimant's concerns.

Claimant reached out to her supervisor and human resources on multiple occasions to complain about her work environment. Claimant called human resources nine times over a four-month period, and they returned only one call to claimant to discuss her concerns. (Exhibit D). On September 12, 2023, claimant spoke to Susan in Human Resources, who listened to claimant's concerns. However, nothing was done after making the complaints. Claimant was never

informed about any investigation, and her supervisor's treatment of claimant worsened after she complained to human resources.

On one occasion, in early December 2023, another employee acted in a physically threatening manner towards claimant, by slamming her hand on the wall and claimant's desk. Claimant was afraid of the employee's behavior, because her supervisor told her the employee used drugs. When claimant brought the employee's behavior and her fear of her to her supervisor, she dismissed her concern.

On December 4, 2023, claimant submitted her written resignation to employer, effective December 21, 2023. (Exhibit A). However, after claimant submitted her resignation, she started receiving harassing phone calls from an unknown number, at both work and on her cell phone. The caller disguised their voice and told claimant to leave her job because no one wanted her there. Claimant brought the matter to her supervisor and human resources, but she was told employer could not do anything regarding calls made outside work hours, and employer did nothing about the calls she received at work. On December 11, 2023, claimant notified employer that she was resigning effective immediately. (Exhibit C).

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

For the reasons that follow, the administrative law judge concludes 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:

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.

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 voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

Iowa Admin. Code r. 871-24.26(2) 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.

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

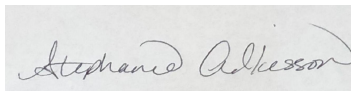
circumstances that lead to an employee's quit in order to attribute the cause for the termination.”  
*Id.*

Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. 871 IAC 24.26(4). While a claimant does not have to specifically indicate or announce an intention to quit if her concerns are not addressed by the employer, for a reason for a quit to be “attributable to the employer,” a claimant faced with working conditions that he considers intolerable, unlawful or unsafe must normally take the reasonable step of notifying the employer about the unacceptable condition in order to give the employer reasonable opportunity to address his concerns. *Hy-Vee Inc. v. Employment Appeal Board*, 710 N.W.2d 1 (Iowa 2005); *Swanson v. Employment Appeal Board*, 554 N.W.2d 294 (Iowa 1996); *Cobb v. Employment Appeal Board*, 506 N.W.2d 445 (Iowa 1993). If the employer subsequently fails to take effective action to address or resolve the problem, it then has made the cause for quitting “attributable to the employer.”

Claimant has carried her burden of proving the voluntary leaving was for good cause attributable to employer. Claimant was subjected to poor treatment and humiliation by her supervisor and coworkers. She had taken reasonable steps to preserve her employment prior to quitting. She brought the matter of her supervisor and coworkers’ hostile treatment of her to human resources as well as to her supervisor. Employer never informed claimant that an investigation occurred, and claimant’s environment worsened after speaking to human resources. A reasonable person would quit under the circumstances. Claimant’s separation from employment is therefore not disqualifying and benefits are allowed, provided she is otherwise eligible.

**DECISION:**

The January 17, 2024, (reference 05) unemployment insurance decision is reversed. Claimant quit with good cause attributable to the employer. Benefits are allowed, provided claimant is otherwise eligible.



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Stephanie Adkisson  
Administrative Law Judge

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February 20, 2024  
Decision Dated and Mailed

rvs

**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**

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 adquiera 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.