

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ALI J AL-YASSIRI**  
Claimant

**APPEAL NO. 09A-UI-03298-E2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CARGILL MEAT SOLUTIONS  
CORPORATION**  
Employer

**OC: 01/18/09**  
**Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated February 25, 2009, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on March 25, 2009. Claimant participated. Employer failed to respond to the hearing notice and did not participate.

**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 began work in September 2008 and last worked for employer on January 6, 2009. The claimant worked for the employer at the employer's meatpacking plant in Ottumwa, Iowa. He was employed as a full time employee to weigh pork loins on the second shift. The claimant quit his job with the employer due to a hostile and discriminatory conduct of his co-workers. The claimant is from Iraq, a Muslim and has dark skin color. The claimant was subjected to hostile comments by co-workers, shunned and felt threatened based upon his religion, national origin and race. The claimant has not filed any civil rights action. His supervisors did not participate in any of the hostile or discriminatory actions. The claimant did not complain to his employer for fear to himself and his family from co-workers. Co-workers would make disparaging remarks about a Muslim working in the plant. Co-workers would not sit with him due to the color of his skin. The claimant was subjected to this type of environment on a regular basis. The claimant described the hostility and shunning in the workplace to be pervasive.

**REASONING AND CONCLUSIONS OF LAW:**

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(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 quit work due to daily hostility he faced as a result of being from Iraq, a Moslem and having darker skin. The employer offered no evidence to refute the claimant's testimony that the working conditions were intolerable. The claimant has met his burden of proof to show the conditions were intolerable. The claimant has shown that he was subjected to an environment of hostility which was intolerable, rather than just being dissatisfied with his work environment.

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 intolerable working conditions.

**DECISION:**

The decision of the representative dated February 25, 2009, reference 01, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

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James Elliott  
Administrative Law Judge

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Decision Dated and Mailed

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