

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RHONDA COOK**  
Claimant

**APPEAL NO. 09A-UI-18831-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GIT-N-GO CONVENIENCE STORES INC**  
Employer

**Original Claim: 11-16-08  
Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the December 14, 2009, reference 05, decision that allowed benefits to the claimant. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on January 26, 2010. The claimant participated in the hearing. Louis Weber, Store Supervisor, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time cashier for Git-N-Go from April 2, 2009 to October 18, 2009. The claimant's husband is a diagnosed paranoid schizophrenic. She had not experienced any problems due to his illness during the first seven years of their marriage, but his medication appeared to no longer control his disease and he began threatening her. He came into the store when the claimant was working and threatened to slit her throat and the manager, Jake, would tell him to leave but he repeatedly returned or sat in his car or stood in front of the store taunting and harassing her. The claimant feared for her life and finally called the employer's office and stated she was leaving because she was in a dangerous situation. She was not able to give a two-week notice because she was afraid to remain at the store with her husband's behavior escalating. She went out of state to stay with her mother before returning to Des Moines and having her husband committed, where his medication was changed before he was sent to a residential program at the Veteran's Administration.

**REASONING AND CONCLUSIONS OF LAW:**

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

In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2. Good cause need not be based on fault or wrongdoing on the part of the employer, but may be attributable to the employment itself. Raffety v. IESC, 76 N.W.2d 787 (Iowa 1956). The claimant left her employment with Git N Go because her mentally ill, unstable, and dangerous husband constantly came to the store and taunted, harassed, and threatened her while she was at work. She went to work because she enjoyed her job and did not want to lose it but finally felt she had no choice but to leave because she was effectively a sitting duck while at work, as her husband knew exactly where and when to find her and it was difficult for her to get away from him while she was at work. Although Jake tried to protect her and told her husband to leave the store when he would come in and threaten and harass the claimant, it was not fair or safe to place Jake in that position, and the corporate office did not show much, if any, sympathy or understanding of her situation when she called to say she had to quit because she was in a dangerous position. While the claimant's situation was not based on fault or wrongdoing by the employer, the fact that her mere presence at work placed her in danger was good cause for her leaving her employment. Therefore, benefits are allowed.

**DECISION:**

The December 14, 2009, reference 05, decision is affirmed. The claimant voluntarily left her employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/kjw