

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAVAN R GENEVA
Claimant

APPEAL NO. 13A-UI-09481-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

BRUEGGER'S ENTERPRISES INC
Employer

OC: 07/14/13
Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 5, 2013, (reference 01) unemployment insurance decision that denied benefits. After due notice was issued a hearing was held on September 23, 2013. Claimant participated. Employer was scheduled to participate through Carla Copertino. Ms. Copertino did not answer the telephone when the administrative law judge called to begin the hearing nor did she call back in prior to the hearing record being closed.

ISSUE:

Did the claimant voluntarily quit his employment without good cause attributable to the 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 baker beginning in June, 2012 through June 25, 2013, when he voluntarily quit. About one week prior to the claimant quitting he was physically assaulted by his manager. The manager was angry about something the claimant said and physically pushed him to the point where the buttons flew off his shirt. The claimant complained to Ms. Copertino, the acting district manager who did not discharge the manager. When the manager did not treat the claimant fairly after the incident and after Ms. Copertino spoke to him, he voluntarily quit rather than continue to work for a manager who physically abused him.

REASONING AND CONCLUSIONS OF LAW:

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

871 IAC 24.26(3) and (4) provide:

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:

(3) The claimant left due to unlawful working conditions.

(4) The claimant left due to intolerable or detrimental working conditions.

An employee need not endure physical abuse from a manager or any other employee. The claimant voluntarily quit after the manager physically assaulted him. Under these circumstances the claimant's voluntary quit was with good cause attributable to the employer and benefits are allowed, provided the claimant is otherwise eligible.

DECISION:

The August 5, 2013, reference 01, decision is reversed. The claimant voluntarily left his employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/css