

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**CRISTINA I TERRONEZ**  
Claimant

**ELEVATE PROPERTY MANAGEMENT LLC**  
Employer

**APPEAL NO. 15A-UI-05361-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/12/15  
Claimant: Appellant (2)**

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Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated April 28, 2015, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on July 6, 2015. Claimant participated, and was represented by counsel Andy LeGrant. Employer participated by Michele Wagman and Melissa Stanton. Claimant's Exhibit A was admitted into evidence.

**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 last worked for employer on April 2, 2015. Claimant quit as a result of a number of incidents which caused claimant stress.

Claimant was given a sexually inappropriate comment by a resident. This was not addressed by management, but did not occur more than the one time. A second incident or group of incidents occurred with painters of the apartment building. Painters made inappropriate comments to claimant, on multiple occasions. After claimant notified her manager the first time, there was nothing done. When additional comments were made to claimant, claimant again told her manager, and her manager called the people who ran the painting company. Manager explained that this could not occur again.

The major occurrence which led to the quit was when claimant walked into a private office to find her manager kissing a subordinate worker for the apartment building. The manager did nothing to address the situation with claimant. Claimant was immediately confronted by the man involved in the kissing episode. He told her that it was none of her business as he admitted to the action she had witnessed.

The rest of the week things were different at work. Claimant's manager did not address the situation. She did not mention that she had been kissing a married man who she managed.

She did not talk with the claimant about much of anything. The environment had changed from how it had been for years.

Claimant attempted to call human resources about the incident she had witnessed. The human resources officer was on vacation, but did not reference the vacation on her voice message or through any emails sent to employees. Claimant tried on at least six occasions to be in touch with human resources in the next three days, but no calls were returned. Claimant then went to her local manager (who had been involved in the incident) and explained that she was going to quit. The manager did not explore the reasons for quitting at all, and simply gave claimant papers to fill out. Claimant filled out the papers and returned them the next day. No one with employer attempted to dissuade claimant from quitting, or even to find out the reasons behind the quit.

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

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.

Where a claim gives numerous reasons for leaving employment Iowa Workforce is required to consider all stated reasons which might combine to give the claimant good cause to quit in determining any of those reasons constitute good cause attributable to the employer. Taylor v. Iowa Department of Job Service, 362 N.W.2d 534 (Iowa 1985). 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 she had accidentally witnessed an incident of marital infidelity involving a maintenance worker and his superior. Claimant was unable to discuss the incident with anyone, and her manager was suddenly more quiet to claimant after the incident.

The court finds claimant's testimony much more credible than her manager's surrounding the incident which occurred in her office. The manager's actions after the incident indicate that she was viewing her relationship with claimant differently, and treating her in a different manner. All of these actions tend to support claimant's version of the incident. Claimant reasonably believed that her situation was being ignored by human resources, as there had been no particular message left to inform claimant that the human resources officer was on vacation, and she should take her complaints to another party. Additionally, in a very small office, claimant had been given a cold shoulder by her manager for reasons that had nothing to do with any action on the part of claimant.

**DECISION:**

The decision of the representative dated April 28, 2015, reference 01, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

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