

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DEREKA WILLIAMS
Claimant

HILLCREST FAMILY SERVICES
Employer

APPEAL 20A-UI-12662-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 07/05/20
Claimant: Respondent (1)**

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation Fact-finding Interview
PL 116-136, Sec. 2104(b) – Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

On October 12, 2020, the employer filed an appeal from the October 5, 2020, (reference 01) unemployment insurance decision that allowed benefits. The parties were properly notified about the hearing. A telephone hearing was held on December 11, 2020. Claimant participated personally and through witness Gabriel Evans. Employer participated through human resource specialist Ankita Jani. Claimant's Exhibit A was received.

ISSUES:

Did claimant voluntarily quit the employment with good cause attributable to employer?
Has the claimant been overpaid unemployment insurance benefits, and if so, can the repayment of those benefits to the agency be waived?
Can charges to the employer's account be waived?
Is the claimant eligible for Federal Pandemic Unemployment Compensation?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on September 14, 2015. Claimant last worked as a full-time p.m. coordinator. Claimant was separated from employment on June 30, 2020, when she resigned.

Employer runs a group home with males from ages 12 to 18.

In April 2020, claimant began having severe problems with one client targeting and harassing her. When the client would misbehave and claimant would correct him, he would say things such as, "Bitch, I will beat your ass. Who the fuck are you talking to?" The client also accused claimant of "sucking dick" in the kitchen, called her a "hoe," and told claimant she did not know how to take "meat." Claimant felt threatened and harassed by the client and was not allowed to transfer to a different group home. Claimant complained about the work environment to management on numerous occasions. Employer took no action to rectify the situation.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant voluntarily left the employment with good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

Iowa Admin. Code r. 871-24.26(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.

In this case, claimant was sexually harassed and physically threatened by a client. Of course, in her position claimant could reasonably expect to deal with some misbehavior, including physical aggression, on behalf of clients. Claimant should not have to deal with unabated physical and sexual aggression with no intervention by employer. Claimant established the work environment was intolerable for any reasonable person in the same situation.

Benefits are allowed. Claimant has not been overpaid benefits.

DECISION:

The October 5, 2020, (reference 01) unemployment insurance decision is affirmed. Claimant resigned for a good cause reason attributable to employer. Benefits are allowed, provided claimant is otherwise eligible.



Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

December 21, 2020
Decision Dated and Mailed

cal/scn