

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**GEORGINA D RODRIGUEZ**  
Claimant

**STAFF MANAGEMENT SOLUTIONS LLC**  
Employer

**APPEAL 21A-UI-21011-DG-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 08/01/21  
Claimant: Respondent (1)**

Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Admin. Code 871-24.26(4) – Intolerable Work Conditions

**STATEMENT OF THE CASE:**

Employer filed an appeal from a decision of a representative dated September 8, 2021, (reference 01) that held claimant eligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on November 12, 2021. Claimant participated with the assistance of a Spanish Interpreter. Employer participated by Susan Murphy, Senior Account Manager. The administrative law judge took official notice of the administrative record including the fact-finding documents.

**ISSUES:**

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 June 15, 2021. Claimant left the employment on that date because her employment had become intolerable.

Claimant began working for employer as a full-time product supply technician on March 19, 2019. Claimant was given a copy of employer's rules and policies at the time of hire.

Sometime in May, 2021 claimant began having serious problems with employees at work. Co-workers were using drugs, and discussing those issues at work. Claimant would not join in those conversations, and she became a target of harassment and threats.

On or about June 9, 2021 claimant found a paper on her desk which had a drawing of a woman being shot by a rifle. Claimant knew that the drawing was a direct threat against her, and that she was in danger of being shot or injured at work. Claimant decided that she had to quit at that time to avoid being seriously hurt at work.

## REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has established that claimant quit for good cause attributable to employer when claimant terminated the employment relationship because her work environment had become intolerable.

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.

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.

It is the duty of the administrative law judge as the trier of fact in this case, to determine the credibility of witnesses, weigh the evidence and decide the facts in issue. *Arndt v. City of LeClaire*, 728 N.W.2d 389, 394-395 (Iowa 2007). The administrative law judge may believe all, part or none of any witness's testimony. *State v. Holtz*, 548 N.W.2d 162, 163 (Iowa App. 1996). In assessing the credibility of witnesses, the administrative law judge should consider the evidence using his or her own observations, common sense and experience. *Id.* In determining the facts, and deciding what testimony to believe, the fact finder may consider the following factors: whether the testimony is reasonable and consistent with other believable evidence; whether a witness has made inconsistent statements; the witness's appearance, conduct, age, intelligence, memory and knowledge of the facts; and the witness's interest in the trial, their motive, candor, bias and prejudice. *Id.*

A notice of an intent to quit had been required by *Cobb v. Emp't Appeal Bd.*, 506 N.W.2d 445, 447-78 (Iowa 1993), *Suluki v. Emp't Appeal Bd.*, 503 N.W.2d 402, 405 (Iowa 1993), and *Swanson v. Emp't Appeal Bd.*, 554 N.W.2d 294, 296 (Iowa Ct. App. 1996). Those cases required an employee to give an employer notice of intent to quit, thus giving the employer an opportunity to cure working conditions. However, in 1995, the Iowa Administrative Code was amended to include an intent-to-quit requirement. The requirement was only added to rule 871-24.26(6)(b), the provision addressing work-related health problems. No intent-to-quit requirement was added to rule 871-24.26(4), the intolerable working conditions provision. Our supreme court concluded that, because the intent-to-quit requirement was added to Iowa Admin. Code r. 871-24.26(6)(b) but not 871-24.26(4), notice of intent to quit is not required for intolerable working conditions. *Hy-Vee, Inc. v. Emp't Appeal Bd.*, 710 N.W.2d 1 (Iowa 2005).

Claimant left the employment because her work environment was intolerable, her separation from employment was for a good-cause reason attributable to the employer. Benefits are allowed.

**DECISION:**

The decision of the representative dated September 8, 2021, (reference 01) is affirmed. Unemployment insurance benefits are allowed provided claimant is otherwise eligible.



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Duane L. Golden  
Administrative Law Judge

January 4, 2022  
Decision Dated and Mailed

dlg/scn