

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARTINA M QUINN**  
Claimant

**APPEAL NO. 07A-UI-07823-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SDH SERVICES WEST LLC**  
Employer

**OC: 07/08/07 R: 02  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated August 10, 2007, reference 03, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on August 29, 2007. Claimant participated. Employer participated by Curtis Downs, General Manager. 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 having considered all of the evidence in the record, finds: Claimant last worked for employer on March 24, 2007. Claimant was called a nigger by a training coworker. Claimant filed a complaint. The coworker was reprimanded. Claimant was asked if she would train with this person for another week. Claimant agreed even though she felt very uncomfortable. The coworker left for a vacation after a week. Just before the coworker's return, claimant resigned so as to avoid working with this person. Claimant had asked for transfer forms but none were ever available. Claimant never told the employer that she was very uncomfortable working with the harassing coworker. Claimant did not tell the employer she was quitting because she could not get a transfer.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she did not want to work with a coworker who harassed her. While the undersigned is empathetic to claimant's case, she has nonetheless failed to establish good cause attributable to employer. Claimant agreed to work with harassing perpetrator. Claimant never once asked to be removed from the work environment. Claimant instead took the "grin and bear it attitude". While claimant's work ethic is commendable, it prevented the

employer from doing the right thing. Claimant had a duty to inform the employer of intolerable working condition so that adequate remedial measures could be initiated. Benefits withheld.

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.

871 IAC 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.

**DECISION:**

The decision of the representative dated August 10, 2007, reference 03, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/kjw