

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ANDREA HOHLFELD**  
Claimant

**APPEAL NO: 10A-UI-10577-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOC SERVICES LLC**  
Employer

**OC: 04/11/10**  
**Claimant: Appellant (2)**

Iowa Code § 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Andrea Hohlfeld (claimant) appealed an unemployment insurance decision dated July 19, 2010, reference 01, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with IOC Services, LLC (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 16, 2010. The claimant participated in the hearing. The employer did not comply with the hearing notice instructions and did not call in to provide a telephone number at which a representative could be contacted, and therefore, did not participate. Based on the evidence, the arguments of the party, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a part-time lights and sound technician from January 2009 through April 10, 2010 when she gave her two-week notice to quit. She had a previously scheduled vacation during the last two weeks of her employment. At the time the claimant was hired, she was advised that she had to work every weekend, however, she was also informed that the employer would hire someone else to work for her in case she could not be there. The claimant had requested and informed the employer she wanted to take two weeks of vacation beginning April 10, 2010. She planned to go see her sister who is living in Hawaii and purchased a plane ticket after her vacation had been approved. The employer had not hired anyone else for her job and as the claimant was getting ready to leave for vacation, the employer balked since there was no one to work in her place. Her manager "hassled" her about the vacation and when the claimant said her vacation could not be cancelled, the manager told her she might not have a job when she returned. That was the last straw and the claimant decided she could no longer work under intolerable working conditions.

That was not the first time she had been hassled about taking a scheduled vacation. The problems also occurred when the claimant was sick with medical excuses. She was told she had to report to work and did so since she had been advised she would receive a disciplinary warning if she did not work. However, what was worse was the fact that her manager was harassing her. When she started her employment, her manager was very complimentary towards her and told her she was doing a good job. He subsequently asked her out for a date and after she refused, his treatment of her turned negative. The manager would threaten to fire her over minor issues, made derogatory comments to her about herself and her work, and simply treated her with no respect. The claimant now realizes she should have reported the harassment to the employer but the situation stressed her out so much that she was unable to do so until the time she resigned. She did fully advise the employer of the situation in her resignation letter and she subsequently heard the manager was fired.

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

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits.

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(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.

The claimant quit her employment on April 10, 2010 due to intolerable working conditions. Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See 871 IAC 24.26(4). The test is whether a reasonable person would have quit under the circumstances. See Aalbers v. Iowa Department of Job Service, 431 N.W.2d 330 (Iowa 1988) and O'Brien v. Employment Appeal Bd., 494 N.W.2d 660 (1993). Aside from quits based on medical reasons, prior notification of the employer before a resignation for intolerable or detrimental working conditions is not required. See Hy-Vee v. EAB, 710 N.W.2d (Iowa 2005).

The evidence does suggest a reasonable person would quit if working under the same circumstances. The employer had already approved the claimant's vacation request and should not have hassled her about it at the time she was about to leave, simply because it had not found a replacement. Additionally, the manager's conduct towards her was egregious. The fact that he asked her out on a date was sexual harassment but his mistreatment of her afterwards was just as bad. It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. She has satisfied that burden and benefits are allowed.

**DECISION:**

The unemployment insurance decision dated July 19, 2010, reference 01, is reversed. The claimant voluntarily quit her employment with good cause attributable to the employer and is qualified to receive unemployment insurance benefits, provided she is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/pjs