

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TRAVIS W PINEGAR
Claimant

APPEAL NO. 11A-EUCU-00517-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

US POSTAL SERVICE
Employer

OC: 06/06/10
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated May 24, 2011, reference 03, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on June 28, 2011. Claimant participated. Employer failed to respond to the hearing notice and did not participate. Exhibits A and B were 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 worked for employer as a temporary mail handler. Claimant last worked for employer on April 27, 2011. Claimant was continually hazed by permanent workers. Claimant was called expendable and replaceable. Claimant was told he should not be allowed on premises. Claimant was continually cut down by coworkers from the time he transferred to the priority flats department till the time he quit. Claimant was pushed by a permanent worker for no reason other than harassment. Claimant filed a complaint with management to no avail. Claimant quit due to the continual harassment that was not abated by employer.

REASONING AND CONCLUSIONS OF LAW:

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 of intolerable working conditions. Claimant made complaints to employer concerning the harassment. The physical assault and the daily insults make this an intolerable work environment. This is good cause attributable to employer for a quit.

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(3), (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:

(3) The claimant left due to unlawful working conditions.

(4) The claimant left due to intolerable or detrimental working conditions.

DECISION:

The decision of the representative dated May 24, 2011, reference 03, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs