

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

AMY L WARREN
Claimant

FARMERS SAVINGS BANK
Employer

APPEAL 19A-UI-10082-S1-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 11/17/19
Claimant: Appellant (2)

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Amy Warren (claimant) appealed a representative's December 10, 2019, decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she had voluntarily quit employment with Farmers Savings Bank (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 10, 2020. The claimant participated personally. The claimant's friend, Marjean Gerdes, observed the hearing. The employer participated by Laura Fidler, Human Resources Officer/Loan Document Specialist; Brian Messer, Chief Executive Officer; Kevin Gobble, Credit Analyst; Kathy Ellison, Teller; Tyler Dick, Credit Analyst/Information Security Officer; Jennifer Shinn, Chief Operations Officer; and Steve Hull, President.

The claimant offered and Exhibits A and B were received into evidence. The administrative law judge took official notice of the administrative file.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

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 hired on or about April 25, 2016, as a full-time operations and compliance officer. The employer has a handbook but it is unaware of what its policy is on hostile work environment.

The claimant repeatedly complained to the board of directors, the chief operations officer, and the human resources officer regarding the president's behavior. On October 24, 2019, the claimant met with the president and the human resources officer. The president yelled at the claimant while delivering a disciplinary action. The president made the human resources officer and the claimant uncomfortable in the meeting. The human resources officer sat with the claimant after the meeting and commiserated. The claimant complained to the board of directors. No investigation was performed and no statements were taken but the board determined that raising one's voice at a subordinate was acceptable.

The claimant was on vacation from November 4 to 11, 2019. Monday, November 11, 2019, was a bank holiday. The president was out of town on business for the employer for a few days from November 14, 2019. On November 19, 2019, the claimant was in a meeting with the president, a vendor, and others. The president asked a vendor to place blame on the claimant for issues with a server that occurred before her hire.

After the meeting the claimant approached the president's office and asked him if he was blaming her for the issue. The president yelled at the claimant to "Get back to your office. You're trying to instigate things with me." Other employees heard the president's raised voice. The claimant quit work after the president's behavior on November 19, 2019. At least two other employees quit work because of the president's behavior.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons the administrative law judge concludes the claimant voluntarily quit work 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.

The law presumes a claimant has left employment with good cause when she quits because of intolerable or detrimental working conditions. 871 IAC 24.26(4). It would be reasonable for the employee to inform the employer about the conditions the employee believes are intolerable or detrimental and to have the employee notify the employer that she intends to quit employment unless the conditions are corrected. This would allow the employer a chance to correct those conditions before a quit would occur. However, the Iowa Supreme Court has stated that a notice of intent to quit is not required when the employee quits due to intolerable or detrimental working conditions. *Hy-vee, Inc. v. Employment Appeal Board and Diyonda L. Avant*, (No. 86/04-0762) (Iowa Sup. Ct. November 18, 2005). The claimant notified the employer repeatedly of the president's raised voice and intolerable behavior. The employer heard the president raise his voice to subordinates. Without performing an investigation, the employer thought the president's behavior was acceptable. The claimant subsequently quit due to those conditions. No one deserves to be yelled at, especially in their work environment. An employee may be corrected without being berated. The claimant is eligible to receive unemployment insurance benefits, provided she meets all the qualifications.

DECISION:

The representative's December 10, 2019, decision (reference 01) is reversed. The claimant voluntarily quit with good cause attributable to the employer. Benefits are allowed, provided claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/scn