

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JUDY L FRIEDEN
Claimant

APPEAL NO: 12A-UI-07653-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MOLO OIL CO INC
Employer

OC: 05/20/12
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Judy L. Frieden (claimant) appealed a representative's June 18, 2012 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment with Molo Oil Company, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 19, 2012. The claimant participated in the hearing and presented testimony from one other witness, Eric Hubbard. The employer failed to respond to the hearing notice and provide a telephone number at which a witness or representative could be reached for the hearing and did not participate in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

OUTCOME:

Reversed. Benefits allowed.

FINDINGS OF FACT:

The claimant started working for the employer on July 23, 2011. She worked full-time as a cashier at the employer's convenience store. Her last day of work was May 22, 2012. She voluntarily quit work as of that date.

As the claimant was working her shift that day, the store manager, known for having a bad temper, came in and confronted the claimant in front of other employees and potentially customers. He was screaming at her, accusing her of not doing her job. He slammed his fist on the counter near the claimant and she was afraid he was going to hit her. This continued for about five minutes before the manager moved away. As a result of this incident, the claimant contacted the employer's human resources representative; the representative did not offer any alternatives to quitting, and the claimant did inform the representative that she was quitting.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1. "Good cause attributable to the employer" does not require fault, negligence, wrongdoing or bad faith by the employer, but may be attributable to the employment itself. *Dehmel v. Employment Appeal Board*, 433 N.W.2d 700 (Iowa 1988); *Raffety v. Iowa Employment Security Commission*, 76 N.W.2d 787 (Iowa 1956).

Intolerable or detrimental working conditions are good cause for quitting attributable to the employer. 871 IAC 24.26(4). The claimant has demonstrated that a reasonable person would find the employer's work environment detrimental or intolerable. *O'Brien v. EAB*, 494 N.W.2d 660 (Iowa 1993); *Uniweld Products v. Industrial Relations Commission*, 277 So.2d 827 (FL App. 1973). Benefits are allowed.

DECISION:

The representative's June 18, 2012 decision (reference 01) is reversed. The claimant voluntarily quit for good cause attributable to the employer. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/kjw