

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**BOBBI J COUGHLIN
PO BOX 91
SALEM IA 52649**

**JACOBSON INDUSTRIAL SERVICES
PO BOX 224
DES MOINES IA 50301**

**Appeal Number: 05A-UI-06819-CT
OC: 06/05/05 R: 04
Claimant: Respondent (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Jacobson Industrial Services (Jacobson) filed an appeal from a representative's decision dated June 23, 2005, reference 03, which held that no disqualification would be imposed regarding Bobbi Coughlin's separation from employment. After due notice was issued, a hearing was held by telephone on July 19, 2005. Ms. Coughlin participated personally. The employer participated by Lanette Simmons, Account Manager.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Coughlin was employed by Jacobson from January 17

until May 28, 2005 as a full-time production worker. On Saturday, May 28, she was working mandatory overtime rolling hoses from a box onto a reel. At the start of the shift, she notified the only supervisor on duty that she felt her work area was unsafe. She was assigned to work in a confined area with materials stacked around her. The supervisor's response was that the other shift had worked in the area without problems.

At approximately 12:30 p.m. on May 28, some of the hoses stacked around Ms. Coughlin fell on her head. She told the supervisor that she would not return to the area and was advised that she had to. Ms. Coughlin walked off the job rather than return to the same area to work. When she went to the workplace later that day to complete an accident report, she was told that she was presumed to have quit when she walked off the job. Ms. Coughlin later sought medical attention and was diagnosed as having a blunt head injury.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Coughlin was separated from employment for any disqualifying reason. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). The employer had the burden of proving that Ms. Coughlin was disqualified from receiving benefits pursuant to section 96.5. See Iowa Code section 96.6(.2). Ms. Coughlin quit her employment because the employer failed to address her safety concern. The employer's evidence confirms that she did, in fact, complain about an unsafe work area. The supervisor did not take any action to address the situation. She did not take steps to have materials moved from where they could fall. She did not suggest that Ms. Coughlin do anything different to minimize the safety risk.

The fact that Ms. Coughlin suffered a head injury as a result of material falling on her is sufficient to establish that there were unsafe factors associated with her work area. She had the right to expect that the employer would eliminate those factors which contributed to an unsafe work environment. Because they did not, the administrative law judge concludes that Ms. Coughlin had good cause attributable to the employer for quitting. For the above reasons, benefits are allowed.

DECISION:

The representative's decision dated June 23, 2005, reference 03, is hereby affirmed. Ms. Coughlin had good cause attributable to the employer for quitting. Benefits are allowed, provided she satisfies all other conditions of eligibility.

cfc/sc