

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JAZMINE L GARFIELD
Claimant

KNIGHT CHIROPRACTIC & FUNCTIONAL
Employer

APPEAL 21A-UI-19245-JD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/27/20
Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

On August 31, 2021, the claimant filed an appeal from the August 26, 2021, (reference 01) unemployment insurance decision that denied benefits based on an Iowa Workforce Development representative's decision that the claimant voluntarily quit her employment. The parties were properly notified about the hearing. A telephone hearing was held on October 19, 2021. Claimant, Jazmine Garfield, participated and testified. The employer did not register for or participate in the hearing. Claimant's exhibit A was offered and admitted into evidence. Official notice was taken of the administrative record.

ISSUE:

Did the claimant quit the employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer in August of 2020. Claimant last worked as a full-time chiropractic assistant. Claimant was separated from employment on October 5, 2020, when she voluntarily quit due to the volatile and toxic work environment created by the employer's spouse, Jenny Knight. Ms. Knight was often disrespectful to clients, staff, and her husband, Dr. Knight, and the claimant. Ms. Knight would yell at the claimant and other staff and question their intelligence in a demeaning manner. Claimant brought these concerns to her employer, Dr. Zachary Knight on approximately six occasions. Dr. Knight acknowledged that his spouse was creating unnecessary problems and he was attempting to reduce her presence in the office. Ms. Knight's behavior continued and the final incident that motivated the claimant to quit her employment involved Ms. Knight screaming and cursing at her husband over an off-hand comment he made to her. The claimant was present for this incident and she determined that she could not continue to work in an abusive and stressful work environment.

Claimant gave her two week notice on October 5, 2020. The employer accepted her resignation as of that day and that was her last day worked. (Claimant's Ex. A). The employer paid the claimant for two weeks following October 5, 2020. (*Id.*).

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant voluntarily left the employment with good cause attributable to the employer. Benefits are allowed.

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.

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.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual, or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). A notice of an intent to quit had been required by *Cobb v. Emp't Appeal Bd.*, 506 N.W.2d 445, 447-78 (Iowa 1993), *Suluki v. Emp't Appeal Bd.*, 503 N.W.2d 402, 405 (Iowa 1993), and *Swanson v. Emp't Appeal Bd.*, 554 N.W.2d 294, 296 (Iowa Ct. App. 1996). Those cases required an employee to give an employer notice of intent to quit, thus giving the employer an opportunity to cure working conditions. However, in 1995, the Iowa Administrative Code was amended to include an intent-to-quit requirement. The requirement was only added to rule 871-24.26(6)(b), the provision addressing work-related health problems. No intent-to-quit requirement was added to rule 871-24.26(4), the intolerable working conditions provision. Our supreme court recently concluded that, because the intent-to-quit requirement was added to rule 871-24.26(6)(b) but not 871-24.26(4), notice of intent to quit is not required for intolerable working conditions. *Hy-Vee, Inc. v. Emp't Appeal Bd.*, 710 N.W.2d 1 (Iowa 2005).

"The use of profanity or offensive language in a confrontational, disrespectful, or name-calling context may be recognized as misconduct, even in the case of isolated incidents or situations in which the target of abusive name-calling is not present when the vulgar statements are initially made." *Myers v. Emp't Appeal Bd.*, 462 N.W.2d 734 (Iowa Ct. App. 1990). Inasmuch as an employer can expect professional conduct and language from its employees, claimant is entitled to a working environment without being the target of abusive, obscene, name-calling. An employee should not have to endure bullying or a public dressing down with abusive language directed at them, either specifically or generally as part of a group, in order to retain employment any more than an employer would tolerate it from an employee.

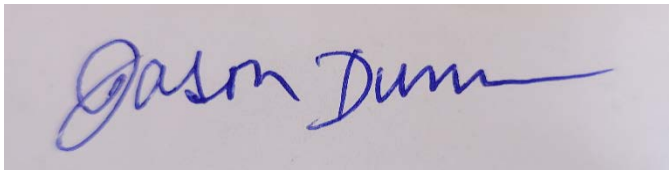
It is clear that the employer's spouse created toxic and volatile environment in her husband's office by being rude and condescending to the patients, being verbally abusive to claimant and other staff members, and verbally abusing and using profanity towards her husband. Claimant repeatedly expressed her concerns to her employer and although he acknowledged the issues created by his spouse he was not able to adequately deal with her behavior or her effect on the

office environment. The claimant concerns were centered on how Mrs. Knight's behaviors and actions negatively affected her employer's business and created a toxic and stressful work environment.

The employer created an intolerable work environment for claimant that gave rise to a good cause reason for leaving the employment. Benefits are allowed, provided she is otherwise eligible.

DECISION:

The August 26, 2021, (reference 01) unemployment insurance decision is reversed. Claimant voluntarily left the employment with good cause attributable to the employer. Benefits are allowed, provided she is otherwise eligible. Any benefits claimed and withheld on this basis shall be paid.



Jason Dunn
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October 28, 2021
Decision Dated and Mailed

jd/scn