

**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**

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**TARGET-DIV OF DAYTON HUDSON CORP  
C/o FRICK UC EXPRESS  
PO BOX 66749  
ST LOUIS MO 63166-6749**

**TALX UC EXPRESS SERVICES INC  
PO BOX 283  
ST LOUIS MO 63166-0283**

**Appeal Number: 04A-UI-05808-MT  
OC: 04/25/04 R: 03  
Claimant: Appellant (2)**

**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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated May 12, 2004, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on June 15, 2004. Claimant participated. Employer failed to respond to the hearing notice and did not participate.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on March 23, 2004. Claimant was given a reprimand for being absent due to illness. Employer then disseminated to coworkers the fact

that claimant was ill, that he had been reprimanded, and that he would not be allowed any more time off. Claimant complained that the confidential information was not appropriate for discussion with coworkers. Employer failed miserably to take any remedial action for the intentional acts of harassment and breach of confidentiality.

REASONING AND CONCLUSIONS OF LAW:

The issue in this matter is whether claimant quit for good cause attributable to employer. 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 harassment and release of confidential information. The reprimand and leave for medical reasons was confidential. Employer's use of such to intimidate and harass claimant was an intolerable working condition which justifies a quit for good cause attributable to employer. Absenteeism due to illness is excusable if properly reported. Harassment due to illness is uncalled for and a potentially actionable tort. Benefits allowed.

Iowa Code Section 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(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.

DECISION:

The decision of the representative dated May 12, 2004, reference 01, is reversed. Unemployment insurance benefits are allowed provided claimant is otherwise eligible.

mdm\b