

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHELSEA J EDWARDS**  
Claimant

**APPEAL NO. 11A-UI-02668-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**JACOBSON WAREHOUSE CO INC**  
Employer

**OC: 01/16/11  
Claimant: Respondent (2-R)**

Section 96.5-1 – Voluntary Quit  
Section 96.3-7 – Benefit Overpayment

**STATEMENT OF THE CASE:**

Jacobson Warehouse Company, Inc. filed a timely appeal from a representative's decision dated February 25, 2011, reference 04, which held the claimant eligible to receive unemployment insurance benefits. After due notice was issued, a telephone hearing was held on March 29, 2011. The claimant participated personally. The employer participated by Ms. Ruth Castor, account manager.

**ISSUE:**

The issue is whether the claimant left employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having considered the evidence in the record, the administrative law judge finds: Chelsea Edwards was employed by Jacobson Warehouse Company, Inc. from November 22, 2010, until Monday, January 17, 2011, when she voluntarily left employment without advance notice. Ms. Edwards worked as a full-time machine operator and was paid by the hour. Her immediate supervisor was Bob McDaniel.

Ms. Edwards left her employment upon reporting to work on Monday, January 17, 2011, because she felt that a quality control person had made an unkind statement about her. The claimant believed that the statement had been overheard by a supervisor but no action had been taken. Ms. Edwards had made a complaint on approximately two occasions to her supervisor about the statements that the quality control person had previously made, but no action had been taken by the supervisor.

At the time of hire, the claimant was specifically informed by Ruth Castor that Ms. Caster was available to handle any job situations that were not resolved by an immediate supervisor. A card was provided to the claimant and other workers at the time of hire giving the company telephone number and access to Ms. Castor via telephone. The claimant also had the option of contacting Ms. Castor on most workdays, as their work shifts overlapped. Although aware that she could bring her complaints up the chain of command, Ms. Edwards elected not to do so.

It is the employer's position that Ms. Edwards left employment without notice because of dissatisfaction with being assigned to a certain production machine, and that the claimant disconnected when Ms. Castor called to determine why the claimant had left employment.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left employment without good cause attributable to the employer.

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.

An individual who voluntarily leaves their employment must first give notice to the employer of the reasons for quitting in order to give the employer an opportunity to address or resolve the complaint. See Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993). An employee who receives a reasonable expectation of assistance from the employer after complaining about working conditions must complain further if conditions persist in order to preserve eligibility for benefits. See Polley v. Gopher Bearing Company, 478 N.W.2d 775 (Minn. App. 1991). Inasmuch as the claimant did not give the employer an opportunity to resolve her complaints by going to the personnel department prior to leaving employment, the separation was without good cause attributable to the employer. Benefits are denied.

Iowa Code section 96.3-7, as amended in 2008, provides:

7. Recovery of overpayment of benefits.

a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

b. (1) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5. However, provided the benefits were not received as the result of fraud or willful misrepresentation by the individual, benefits shall not be recovered from an individual if the employer did not participate in the initial determination to award benefits pursuant to section 96.6, subsection 2, and an overpayment occurred because of a subsequent reversal on appeal regarding the issue of the individual's separation from employment. The employer shall not be charged with the benefits.

(2) An accounting firm, agent, unemployment insurance accounting firm, or other entity that represents an employer in unemployment claim matters and demonstrates a

continuous pattern of failing to participate in the initial determinations to award benefits, as determined and defined by rule by the department, shall be denied permission by the department to represent any employers in unemployment insurance matters. This subparagraph does not apply to attorneys or counselors admitted to practice in the courts of this state pursuant to section 602.10101.

The issue of whether the claimant must repay unemployment insurance benefits is remanded to the Unemployment Insurance Services Division for a determination.

**DECISION:**

The representative's decision dated February 25, 2011, reference 04, is reversed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The issue of whether the claimant must repay unemployment insurance benefits is remanded to the Unemployment Insurance Services Division for a determination.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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