

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HELEN E HOLLIDAY

Claimant

LEISURE HOTEL CORP

Employer

APPEAL NO: 09A-UI-08488-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/10/09

Claimant: Appellant (2)

Section 96.5-1 – Voluntary Quit

871 IAC 24.26(4) – Intolerable/Detrimental Working Conditions

STATEMENT OF THE CASE:

The claimant appealed a department decision dated June 10, 2009, reference 01, that held she voluntarily quit without good cause attributable to her employer on May 11, 2009, and benefits are denied. A telephone hearing was held on June 30, 2009. The claimant participated. The employer did not participate.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witness, and having considered the evidence in the record, finds: The claimant worked for the employer as a full-time restaurant server from February 8, 2008 to May 11, 2009. During the course of employment, the claimant experienced frustration with co-workers who failed to assist her in the performance of the work though it was their job to do so. The claimant complained to managers, but she perceived that corrections had been made.

The claimant complained to her most recent Food & Beverage Director, Mr. Hocking, about the unfair treatment she was receiving from co-workers in failing to assist in the assigned work, and how she was being targeted or set apart that she considered harassment. After about two weeks, the claimant noticed no improvement from co-workers assisting her as they were required to do so. On May 11, the claimant went into her manager's office, crying that a co-worker, again failed to help her open for business. When it became apparent the employer was not going to take corrective action, the claimant quit without notice and left her job.

The employer failed to respond to the hearing notice.

REASONING AND CONCLUSIONS OF LAW:

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.

The administrative law judge concludes the claimant voluntarily quit with good cause attributable to the employer due to intolerable and detrimental working conditions.

The claimant worked a pattern of employment where she repeatedly complained to management about co-workers failing to assist in the performance of the work though it was their job to do so. The claimant gave the employer an opportunity to take corrective action, but it failed to do so. The work environment became intolerable to the claimant and she quit with good cause.

DECISION:

The department decision dated June 10, 2009, reference 01, is reversed. The claimant voluntarily quit with good cause attributable to the employer on May 11, 2009. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css