

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KARALEE J. WOOD**  
Claimant

**APPEAL NO: 17A-UI-07716-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EGS CUSTOMER CARE INC**  
Employer

**OC: 07/09/17**  
**Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the July 25, 2017, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on August 15, 2017. The claimant participated in the hearing. Turkessa Newsone, Human Resources Generalist, participated in the hearing on behalf of the employer. Claimant's Exhibit A was admitted into evidence.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time customer service representative for EGS Customer Care from June 15, 2015 to June 29, 2017. She voluntarily left her employment because it exacerbated her post traumatic stress syndrome (PTSD) and other conditions.

The claimant suffers from PTSD, major depressive disorder, generalized anxiety disorder, and panic disorder. She had those conditions prior to beginning her employment with EGS Customer Care. Until April 24, 2017, her team leader, Brian, scared her and made her uncomfortable. The claimant was on FMLA and had been granted personal leaves of absence due to her medical conditions. Brian often commented on her medical conditions and she believed he also told other employees she had PTSD because several employees she had not confided in came up to her, gave her a hug, and said they did not know she had PTSD, all of which made the claimant uncomfortable and she found it overwhelming. He also spoke very loudly when he talked to the claimant about her medical issues and that embarrassed her.

After the claimant complained to human resources, she was moved to a different team April 24, 2017. The claimant did not experience any problems with Jason, her new team leader, but he sat next to Brian and consequently when she needed to speak to Jason, she had to see Brian and he continued to make comments to her.

She talked to her medical provider about her problems in the workplace while she worked for the employer. Finally, her condition became chronic and the claimant resigned her position, effective immediately, June 29, 2017. In a letter dated July 28, 2017, her ARNP wrote, "Due to her mental health difficulties and extremely stressful work environment, she recently suffered an exacerbation of her condition and had to end her employment on June 19, 2017. She has been encouraged to remain off of work currently and then perhaps pursue other employment opportunities" (Claimant's Exhibit A).

## **REASONING AND CONCLUSIONS OF LAW:**

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

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

The law presumes a claimant has left employment with good cause when she quits because of intolerable or detrimental working conditions. 871 IAC 24.26(4). It would be reasonable for the employee to inform the employer about the conditions the employee believes are intolerable or detrimental and to have the employee notify the employer that she intends to quit employment unless the conditions are corrected. This would allow the employer a chance to correct those conditions before a quit would occur. However, the Iowa Supreme Court has stated that a notice of intent to quit is not required when the employee quits due to intolerable or detrimental working conditions. *Hy-Vee, Inc. v. Employment Appeal Board and Diyonda L. Avant*, (No. 86/04-0762) (Iowa Sup. Ct. November 18, 2005). The claimant notified the employer of her concerns regarding her team leader and although the employer responded to her concerns she still had to have contact with her former team leader which aggravated her mental health issues. The claimant subsequently quit due to those conditions. The claimant is eligible to receive unemployment insurance benefits provided she is otherwise eligible.

**DECISION:**

The July 25, 2017, reference 01, decision is reversed. The claimant voluntarily quit with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/scn