

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MERCEDEZ J HERNANDEZ

Claimant

APPEAL 20A-UI-02186-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

STEINMANN FAMILY HEALTH CLINIC P

Employer

OC: 02/23/20

Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On March 11, 2020, the claimant filed an appeal from the March 10, 2020, (reference 01) unemployment insurance decision that denied benefits based on a separation from employment. The parties were properly notified about the hearing. A telephone hearing was held on April 22, 2020. Claimant participated personally and through witness Cheyanne Parish. Employer participated through practice owner, Dr. Edward Steinmann. Claimant's Exhibit A was received.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on May 4, 2017. Claimant last worked as a full-time CNA. Claimant was separated from employment on February 25, 2020, when she resigned.

Employer does not have a policy explicitly prohibiting violence in the workplace.

On Wednesday, February 19, 2020, a front desk staff member, Erica, yelled at claimant in front of a lobby full of patients. Later, claimant and Erica met in nurse practitioner Lori Steinmann's office. Lori Steinmann was present. Claimant asked Erica what she did that caused Erica to yell at her. Erica said she was so sick of claimant's "fucking attitude" and that she was "fucking disrespectful." Claimant stated that all she tried to do was help Erica. Erica continued to be angry and use profanity. Lori Steinmann walked up to Dr. Edward Steinmann and said she was tired of dealing with the situation and implied it was his turn to handle this personnel matter. Dr. Steinmann had claimant make a written statement that explained the incident between her and Erica.

That night, Erica made a post on her Facebook wall that stated as follows:

I can't stand me a, "I tried to do nice things for you. Or your life situation mfer. Just know my "life situation" (whatever that means) or my family being brought up into conversations ain't gonna happen. I'm busting your ass. Point blank period. Idgaf if it's at work or not.

A former co-worker, who was "friends" with Erica on Facebook, took a screenshot of the post and sent it to claimant.

On Thursday, February 20, 2020, Dr. Steinmann collected additional statements from some other employees regarding the incident between claimant and Erica on February 19, 2020. Dr. Steinmann did not request statements from every employee who had relevant information.

On Friday, February 21, 2020, employer held a meeting regarding bullying in the workplace. Dr. Steinmann conducted the meeting. He was not feeling well. After the meeting, claimant approached him and handed him a copy of the screenshot of the Facebook post made by Erica. Claimant asked Dr. Steinmann how he was going to handle the situation. Dr. Steinmann said he had no idea what was going on and that he could not handle the situation right then. He said he would speak with his wife that weekend.

On Monday, February 24, 2020, claimant was absent from work. Claimant reported her absence.

On Tuesday, February 25, 2020, claimant came to work and handed Dr. Steinmann a resignation letter stating she was resigning due to a hostile work environment.

Erica remained employed by employer. Dr. Steinmann may have spoken with her on Wednesday, February 26, 2020, about being careful about what she posts on social media.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was with good cause attributable to the employer.

Iowa Code section 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 this case, employer did not react in a responsible manner to the threat Erica made against claimant. By Friday, February 21, 2020, Dr. Steinmann should have had enough information to determine the copy of the social media post made by Erica was a direct threat to claimant's

physical safety at work. Even if Dr. Steinmann was not feeling well on Friday, a responsible employer would have suspended Erica on Monday and investigated the threat. By the time claimant returned to work on Tuesday, no such action had been taken. And in fact, employer never took adequate disciplinary action against Erica even after claimant resigned. In today's day and age, claimant was right to take Erica's threat very seriously. A reasonable person in the same situation would have resigned their employment.

DECISION:

The March 10, 2020, (reference 01) unemployment insurance decision is reversed. Claimant resigned with good cause attributable to employer. Benefits are allowed, provided claimant is otherwise eligible.



Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

April 24, 2020
Decision Dated and Mailed

cal/scn