

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

PATRICIA D ETHEREDGE
1701 MADISON AVE
BURLINGTON IA 52601

CARPETLAND USA OF BURLINGTON INC
4337 BRADY ST
DAVENPORT IA 52806

Appeal Number: 04A-UI-06084-SWT
OC 05/09/04 R 04
Claimant: Appellant (1)

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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated May 24, 2004, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on June 23, 2004. The parties were properly notified about the hearing. The claimant participated in the hearing. Mike Reinhart participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

The claimant worked full time as a flooring consultant for the employer from October 23, 2002 to May 6, 2004. The claimant left work before the end of her shift on May 6, 2004, after the store manager, Mike Reinhart, had reprimanded her for providing change to a customer who had redeemed a \$300.00 gift certificate.

Reinhart was angry because the check used to buy the gift certificate had been dishonored by the bank. He told the claimant in a raised tone of voice not to “ever, ever, ever, ever give money back on a gift certificate.” This upset the claimant because she had consulted with Reinhart about how to ring up the gift certificate and he had not said anything to her about not giving the customer change. She tried explaining this to Reinhart. Afterward, the claimant heard Reinhart slam his fist on his desk in anger. He yelled at her that he was tired of her getting snippy with him. The claimant asked if he was serious. Reinhart then said he was sorry and admitted that he might have overreacted. She asked him why he was talking to her like that. Reinhart again apologized and said he thought she was acting snotty toward him. The claimant then went back to her desk and began to cry. She told Reinhart that she could not take getting yelled at for nothing and left work. When she left, she intended to quit her employment. She quit employment because of Reinhart’s treatment of her and because he had several months before told other employees about her medical condition, which she considered confidential information. The claimant had not informed anyone in management that she was considering quitting due to Reinhart’s harsh treatment of her.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit 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.

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 Iowa Supreme Court in Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993), established conditions that must be met to prove a quit was with good cause when an employee quits due to intolerable working conditions or a substantial change in the contract of hire. First, the claimant must notify the employer of the unacceptable condition or change. Second, the claimant must notify the employer that she intends to quit if the condition or change is not corrected.

Reinhart overreacted and yelled at the claimant over a matter that was not her fault. The evidence does not establish conduct, however, that rises to the level of intolerable working conditions. Furthermore, the claimant did not take the reasonable step of complaining about Reinhart’s treatment of her until after she had already quit employment. Finally, the incident involving the alleged breach of confidentiality took place several months before the claimant quit and cannot provide good cause since the claimant continued to work afterward. Good cause as defined by the unemployment insurance law has not been established in this case.

DECISION:

The unemployment insurance decision dated May 24, 2004, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

saw/kjf