

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

LORRAINE A WALKER  
3612 CORNELL ST  
DES MOINES IA 50313

USA STAFFING INC  
LABOR WORLD OF IOWA  
3921 NE 14<sup>TH</sup> ST  
DES MOINES IA 50313

Appeal Number: 04A-UI-11171-CT  
OC: 04/04/04 R: 02  
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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Lorraine Walker filed an appeal from a representative's decision dated October 11, 2004, reference 04, which denied benefits based on her separation from Labor World of Iowa. After due notice was issued, a hearing was held by telephone on November 9, 2004. Ms. Walker participated personally and Exhibit A was admitted on her behalf. The employer participated by Cristin Wilson, Employment Consultant.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Walker began working for Labor World of Iowa, a

temporary placement firm, on April 14, 2004. She completed an assignment with Art Craft on August 12, 2004. On August 13, Ms. Walker was at the workplace to get her paycheck. As she was entering the building, she ran into an individual she had worked with at a former place of employment, PSCI. This individual, Andre Moses, had been discharged from PSCI based on allegations that he harassed Ms. Walker's daughter. Ms. Walker had had no contact with Mr. Moses since her separation from PSCI in April 2004. On August 13, he told her that her daughter should never have told on him. He also stated that he was going to kill Ms. Walker.

After Ms. Walker entered the building on August 13, she explained to Cristin Wilson the problem she was having with Mr. Moses. She also advised the employer that she had a restraining order against Mr. Moses. Ms. Wilson had her sit behind a desk so that she would not have contact with Mr. Moses. As it turned out, Mr. Moses was also an employee of Labor World. When Ms. Walker was ready to leave, Ms. Wilson escorted her to her car as Mr. Moses was still in the vicinity. Ms. Wilson then spoke to Mr. Moses and advised him that, in the future, he would have to leave if and when Ms. Walker came to the office. Ms. Walker did not contact the police in August after Mr. Moses threatened her. She subsequently notified Labor World that she was quitting.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Walker was separated from employment for any disqualifying reason. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Walker had the burden of proving that her quit was for good cause attributable to the employer. Iowa Code section 96.6(2). She quit employment with Labor World because a former coworker threatened her on August 13, 2004. The employer walked Ms. Walker to her car so that she could avoid conflicts with Mr. Moses. The employer then spoke to Mr. Moses to warn him that he could not be on the premises at the same time as Ms. Walker.

Ms. Walker and Mr. Moses were not working on an assignment together. It seems that the only times they were likely to have contact was at the Labor World offices when they came to either register for work or to get their paychecks. Given Ms. Wilson's efforts on August 13, the administrative law judge concludes that the employer would have taken steps to protect Ms. Walker while she was in their offices. As of August 13, the employer was under the impression that Ms. Walker had a restraining order in effect against Mr. Moses. Therefore, the employer reasonably believed that the police would provide further protection if necessary. The employer had also taken steps to put Mr. Moses on notice that he could not be in the office at the same time as Ms. Walker.

Ms. Walker did not give the employer an opportunity to continue safeguarding her as she quit the employment. Whether the employer's efforts at that point would have been sufficient is unknown as Ms. Walker did not return to Labor World to work. The administrative law judge does not doubt that Ms. Walker was apprehensive about returning to Labor World given the possibility that Mr. Moses might be present. It is the responsibility of the employer to provide a safe work environment for employees. The evidence does not establish that the employer failed Ms. Walker in this respect. It is concluded, therefore, that her quit was not for good cause attributable to the employer. Accordingly, benefits are denied.

DECISION:

The representative's decision dated October 11, 2004, reference 04, is hereby affirmed. Ms. Walker voluntarily quit her employment for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

cfc/b