

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARLA STOWELL
Claimant

APPEAL NO: 13A-UI-08163-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TECH SOFTWARE SYSTEMS INC
Employer

OC: 06/16/13
Claimant: Appellant (1)

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Marla Stowell (claimant) appealed an unemployment insurance decision dated July 9, 2013, reference 01, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Tech Software Systems, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 19, 2013. The claimant participated in the hearing. The employer participated through CEO Mark Friemel.

ISSUE:

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time social media specialist from February 19, 2013 through June 17, 2013 when she voluntarily quit due to problems with her manager, Roger Donahue. She contends he sexually harassed her on a daily basis and had her falsify information on her time records. The claimant never reported any complaints to the employer prior to the date she quit. She did not provide dates or specific instances as to when the harassment occurred. The claimant testified that Mr. Donahue showed the claimant his Facebook page which showed women in lingerie and he showed her videos on his computer with naked people. He talked about her physical appearance to clients. Mr. Donahue wasted time with the claimant driving around and had her falsify what they had been doing. He also spent time making prank phone calls.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits. She is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

The claimant quit on June 17, 2013 due to intolerable work conditions. Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See 871 IAC 24.26(4). Ordinarily, "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code § 96.2. *O'Brien v. EAB*, 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. Iowa Dep't of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the element of good faith." *Wiese v. Iowa Dep't of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "[C]ommon sense and prudence must be exercised in evaluating all of the circumstances that lead to an employee's quit in order to attribute the cause for the termination." *Id.*

There is insufficient evidence to establish an intolerable or detrimental work environment. The claimant could not provide dates or specific details to corroborate the general allegations. Additionally, she never reported any complaints prior to the time she quit.

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. She has not satisfied that burden. Benefits are denied.

DECISION:

The unemployment insurance decision dated July 9, 2013, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs