

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHAWN R NOVAK
Claimant

APPEAL NO. 08A-UI-08752-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TRUGREEN LP
Employer

**OC: 07/27/08 R: 04
Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a representative's decision dated September 26, 2008, reference 01, which denied benefits based upon her separation from Trugreen LP. After due notice was issued, a hearing was held by telephone on October 2, 2008. Ms. Novak participated personally. The employer waived notice and indicated in writing that they would not be participating.

ISSUE:

The issue in this matter is whether the claimant voluntarily quit for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony and considered all of the evidence in the record, finds: The claimant worked for this employer from May 1992 until July 25, 2008 when she voluntarily quit employment. Ms. Novak previously held the position of office manager but most recently held the position of a customer service representative on a full-time basis.

The claimant left her employment with the captioned company after she felt she had been treated unfairly by being demoted and because she believed that the new office manager continued to treat her unfairly. The claimant at times was questioned by the office manager in a manner that humiliated the claimant in the presence of other workers. The claimant believed that the office manager was intentionally not providing work to the claimant to make her appear unneeded and incompetent. When the circumstances did not improve after the claimant had indicated dissatisfaction to her immediate supervisor, Ms. Novak provided notice to the company and left. The claimant did not go up the chain of command because she felt that the manager had played a part in causing her demotion.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that Ms. Novak had good cause for voluntarily quitting her employment for reasons that were attributable to the employer. It does.

In this case the evidence establishes Ms. Novak was dissatisfied with her employment for a variety of reasons believing that she had been unfairly demoted and believing that she had been publicly humiliated on numerous occasions by her immediate supervisor. The claimant had spoken to her supervisor about areas of dissatisfaction and left employment when the problems continued. The claimant did not go to the company manager because she felt that he was biased and had acted to facilitate her demotion in the past.

There being no evidence to the contrary, the administrative law judge must conclude that the claimant has sustained her burden of proof in establishing that she had good cause for reasons attributable to the employment for leaving her job.

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.

DECISION:

The representative's decision dated September 26, 2008, reference 01, is hereby reversed. Claimant left employment with good cause attributable to the employer. Unemployment insurance benefits are allowed, providing the claimant meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

css/css