

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

CONNIE L MUNKEL  
403 CENTER ST  
LIME SPRINGS IA 52155

A & K FEED & GRAIN CO INC  
PO BOX 158  
LIME SPRINGS IA 52155-0150

Appeal Number: 05A-UI-06336-SWT  
OC: 05/22/05 R: 04  
Claimant: Appellant (2)

**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:

The claimant appealed an unemployment insurance decision dated June 10, 2005, reference 03, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on July 8, 2005. The parties were properly notified about the hearing. The claimant participated in the hearing. Dale Schwade participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

The claimant worked full time for the employer as a bookkeeper from December 4, 1998 to May 13, 2005. Dale Schwade, the owner of the company, was the claimant's supervisor.

The claimant voluntarily quit employment effective May 13, 2005, because of intolerable working conditions created by a coworker. Those conditions included repeatedly blaming the claimant for mistakes that the claimant was not responsible for, interfering with the claimant when she was waiting on customers, correcting the claimant in front of customers, and displaying a lack of respect for the claimant. The claimant had complained to Schwade about the coworker's hostile treatment and Schwade had assured the claimant that he would take action, but no effective action was ever

taken, and the problems continued. The claimant had told Schwade she would quit if the problems with the coworker were not corrected.

At the end of April, the coworker accosted the claimant verbally regarding the claimant's pursuing a commercial driver's license (CDL), which the coworker thought was unnecessary. Schwade had given the claimant permission to get a CDL so she could be a substitute driver when needed. The coworker had no business interfering with this matter. The next day, the coworker blamed the claimant for misfiling a document, when it was in fact, the coworker's mistake. This was done in front of coworkers. The claimant informed Schwade that she was putting in her two weeks' notice and explained the reasons why. Schwade did not correct the situation after the claimant presented her notice that she was quitting.

#### 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 employee must notify the employer of the unacceptable condition. Second, the employee must notify the employer that she intends to quit if the condition is not corrected.

The evidence establishes that the claimant quit due to intolerable working conditions and has satisfied the conditions required under the Cobb case to receive unemployment insurance benefits. Good cause attributable to the employer has been proven.

#### DECISION:

The unemployment insurance decision dated June 10, 2005, reference 03, is reversed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

saw/sc