

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KENDRA K BROCKMAN
Claimant

THE QUEEN OF CLEAN LLC
Employer

APPEAL 25A-UI-00979-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 01/05/25
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Kendra K. Brockman, the claimant/appellant,¹ appealed the Iowa Workforce Development (IWD) January 29, 2025 (reference 01) unemployment insurance (UI) decision. IWD denied Ms. Brockman REGULAR (state) UI benefits because IWD concluded she voluntarily quit working for employer The Queen of Clean LLC on January 8, 2025 because she was dissatisfied with her working conditions, and the employer did not cause her quitting. Ms. Brockman appealed on February 4, 2025. On February 6, 2025, the Iowa Department of Inspections, Appeals, and Licensing (DIAL), UI Appeals Bureau mailed a notice of hearing to Ms. Brockman and the employer for a telephone hearing scheduled for February 19, 2025.

The administrative law judge held a telephone hearing on February 19, 2025. Ms. Brockman participated in the hearing personally. The employer participated in the hearing through Kristi Reiter, owner. The administrative law judge admitted Department's Exhibit 1, Claimant's Exhibit A, and Employer's Exhibits 1-3 as evidence. The administrative law judge did not admit Ms. Brockman's documents because she did not send them to the employer.

The administrative law judge concludes Ms. Brockman is not eligible for REGULAR (state) UI benefits based on how her job ended with this employer.

ISSUE:

Did Ms. Brockman voluntarily quit without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Ms. Brockman began working for the employer on October 14, 2024. She worked as a full-time residential house cleaner. Her employment ended on January 10, 2025.

On January 7, Ms. Brockman worked 11 hours. Ms. Brockman was scheduled to work a full, busy day the next day, too. Ms. Brockman asked Ms. Reiter for help cleaning the first residence

¹ Claimant is the person who applied for UI benefits. Appellant is the person or employer who appealed.

she was scheduled to clean on January 8. The employer did not have any other employees available to help Ms. Brockman, so Ms. Reiter told Ms. Brockman the same.

On January 8, Ms. Brockman asked Ms. Reiter for help cleaning again. Ms. Reiter again told Ms. Brockman that the employer did not have any other employees available to help her. Ms. Brockman told Ms. Reiter that she would need to take off work for one-day if she did not get help. Ms. Reiter denied Ms. Brockman's request for time off.

Ms. Brockman called in sick on January 9. About an hour after she called in, Ms. Brockman's manager texted her that she needed to be at work, and left her a voice message saying the same. Ms. Brockman did not attend work that day. Ms. Brockman concluded that the manager's text and voice message was harassment.

Ms. Brockman also concluded that the employer created a hostile work environment because of a team meeting in September, and a conversation on November 15. At one of the September team meetings, Ms. Reiter talked with her employees, including Ms. Brockman, about a fundraiser the employer was doing to benefit a high school suicide prevention group. As part of this conversation, employees began discussing customers and/or customers' family members who died. The conversation made Ms. Brockman very uncomfortable. Separately, on November 14 Ms. Brockman asked a new employee (Employee A) how the job was going. Employee A told Ms. Brockman that they heard a team lead say Black people can't/shouldn't drive, and make comments about Mexicans being deported. Unknown to Ms. Brockman, Employee A quit later that day. The next day, Ms. Reiter and the team lead asked Ms. Brockman why Employee A quit. Ms. Brockman told them what Employee A told her. Ms. Reiter then told the team lead that it was okay to have said the things Employee A said the team lead said. This also made Ms. Brockman uncomfortable. Ms. Brockman also concluded that the employer retaliated against her for stepping down from a team lead position on December 5 because she worked later hours on some days after she stepped down, and she worked more hours in December than she did in November.

The next day, January 10, Ms. Brockman returned the employer's equipment to the employer's office and resigned effective immediately.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Ms. Brockman's separation from employment on January 10, 2025 was 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.

Iowa Admin. Code r. 871-24.25(37) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the

claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(37) The claimant will be considered to have left employment voluntarily when such claimant gave the employer notice of an intention to resign and the employer accepted such resignation. This rule shall also apply to the claimant who was employed by an educational institution who has declined or refused to accept a new contract or reasonable assurance of work for a successive academic term or year and the offer of work was within the purview of the individual's training and experience.

Iowa Admin. Code r. 871-24.26(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.

In general, the employer has the burden to prove that a claimant is disqualified from receiving UI benefits.² But, the claimant has the burden of proving that a voluntary leaving was for good cause attributable to the employer.³ A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention.⁴ "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular.⁵

Generally, an employee is required to give notice of an intent to quit to give the employer an opportunity to fix working conditions.⁶ In 1995, the Iowa Administrative Code was amended to include an intent-to-quit requirement. However, the requirement was only added to rule 871-24.26(6)(b), the provision addressing work-related health problems. No intent-to-quit requirement was added to rule 871-24.26(4), the intolerable working conditions provision. The Iowa Supreme Court concluded that, because the intent-to-quit requirement was added to 871-24.26(6)(b) but not 871-24.26(4), notice of intent to quit is not required for intolerable working conditions.⁷

So, Ms. Brockman was not required to give the employer notice about intolerable or detrimental working conditions before she quit. But she must prove that her working conditions were intolerable or detrimental.

In this case, Ms. Brockman quit the day after her team lead texted her and left her voice message about coming to work on January 9. Ms. Brockman argues that other issues at work

² Iowa Code § 96.6(2).

³ *Id.*

⁴ *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

⁵ *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973).

⁶ *Cobb v. Employment Appeal Board*, 506 N.W.2d 445, 447-78 (Iowa 1993), *Suluki v. Employment Appeal Board*, 503 N.W.2d 402, 405 (Iowa 1993), and *Swanson v. Employment Appeal Board*, 554 N.W.2d 294, 296 (Iowa Ct. App. 1996).

⁷ *Hy-Vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1 (Iowa 2005).

also led to her quitting. But Ms. Brockman did not quit when the other incidents occurred. Ms. Brockman did what was best for her, but she has not established that a reasonable person would find her working conditions intolerable and detrimental. Ms. Brockman's leaving was not for a good-cause reason attributable to the employer. So, she is not eligible for REGULAR (state) UI benefits.

DECISION:

The January 29, 2025 (reference 01) UI decision is AFFIRMED. Ms. Brockman voluntarily left employment on January 10, 2025 without good cause attributable to the employer. Ms. Brockman is not eligible for REGULAR (state) UI benefits until she has worked in and been paid wages for insured work equal to ten times her weekly UI benefit amount, as long as no other decision denies her UI benefits.

/s/ *Daniel Zeno*

Daniel Zeno
Administrative Law Judge

February 20, 2025
Decision Dated and Mailed

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APPEAL RIGHTS. If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Iowa Employment Appeal Board
6200 Park Avenue Suite 100
Des Moines, Iowa 50321
Fax: (515)281-7191
Online: eab.iowa.gov**

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.

AN APPEAL TO THE BOARD SHALL 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.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Note to Parties: YOU MAY REPRESENT yourself in the appeal or 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.

Note to Claimant: It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

DERECHOS DE APELACIÓN. Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Iowa Employment Appeal Board
6200 Park Avenue Suite 100
Des Moines, Iowa 50321
Fax: (515)281-7191
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Nota para las partes: USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

Nota para el reclamante: es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

SERVICIO DE INFORMACIÓN:

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.