

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

BROOKE A BOLINGER
Claimant

SLB OF IOWA LC
Employer

APPEAL NO. 17A-UI-00126-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/11/16
Claimant: Appellant (2)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated December 29, 2016, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on January 26, 2017. Claimant participated. Employer participated by Karen Beard and Renee Hauschild. Employer's Exhibits 1 through 4 and Claimant's Exhibit A were admitted into evidence.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on December 8, 2016. Claimant quit her work on December 14, 2016.

Claimant had been hired on October 10, 2016 as a manager in training. Claimant was hired at \$14.98 an hour. Claimant was late for work a large number of times in her first couple of months at work. Additionally claimant did not wear proper belts to work and had nail polish on her fingernails in violation of company rules. On November 27, 2016 employer explained to claimant that she was being demoted because of these violations. Claimant's wages were reduced to \$10.00 an hour, but had the opportunity to get back to the manager in training position. Claimant did accept the demotion, but her last day of work was a little more than a week after the demotion. Claimant stated that the only reason she stayed on after the demotion was to get Christmas money for her children.

Claimant stated that she brought a disconcerting company procedure to employer, and employer's lack of response was another reason for claimant's quit. Claimant said employer often changed the color coded dots on items to allow those items to be used/consumed for a longer period of time than they were intended to be used. Claimant brought this matter to employer on December 13, 2016 and employer's human resources manager expressed a desire to investigate the issue. On December 14, 2016 claimant noticed that she was not

included at all on the next week's schedule. She alerted human resources as to this situation and it was immediately addressed. Later that day, claimant resigned her position citing the day/date color coding dots and the demotion as reasons.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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.

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of her demotion.

The administrative law judge looks at the two reasons claimant stated for her quit. Regarding the day/date coding of the food, the administrative law judge does not find this to be a reasonable rationale for quitting as claimant had not allowed employer sufficient time to explore the issue to make any changes necessary to the coding program. Although it is understandable that claimant received an inappropriate message from her manager (telling claimant to lie to a district manager if confronted), when claimant brought the concerns to HR, those concerns were immediately addressed. Claimant did not allow a fair amount of time to address the issues before she quit.

Regarding claimant's job demotion, and concurrent wage demotion, the administrative law judge finds that claimant did quit her job as a result of the demotion and \$4.98 an hour taken off of her salary. Claimant did not receive any warnings prior to the demotion, and the discussions as to clothing and timeliness did not serve to alert or warn claimant that she would be losing over 30 percent of her wages.

DECISION:

The decision of the representative dated December 29, 2016, reference 01, is reversed. Unemployment insurance benefits are allowed provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/rvs