

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

LINDA L HOLDORF
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WEST DES MOINES IA 50265

QWEST CORPORATION
c/o EMPLOYERS UNITY INC
P O BOX 749000
ARVADA CO 80006-9000

Appeal Number: 04A-UI-01552-BT
OC: 01/18/04 R: 02
Claimant: Appellant (1)

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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Linda Holdorf (claimant) appealed an unemployment insurance decision dated February 11, 2004, reference 01, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Qwest Corporation (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 March 4, 2004. The claimant participated in the hearing. The employer participated through Manager Ann Morr and Representative Emily Ault of Employer's Unity.

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 consumer relations specialist from April 14, 2003 through January 15, 2004. She voluntarily quit her employment by providing a resignation letter stating she was quitting due to a recent garnishment that she did not feel was fair. There were no other issues listed as to why she was quitting and the employer had no notice of any other problem serious enough to make the claimant quit.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits.

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.

The claimant voluntarily quit on January 15, 2004. The claimant has the burden of proving that the voluntary quit was for a good reason that would not disqualify her. Iowa Code Section 96.6-2. The claimant's statements to the employer at the time she quit and her resignation letter confirmed that she was quitting her employment due to a recent garnishment of her wages. The claimant's contemporaneous statements and her resignation letter are more reliable than the claimant's testimony at hearing as there would have been no reason to be dishonest about the circumstances causing her to quit. The claimant now contends she quit due to changes in her job duties over nine months of employment. The law presumes it is a quit without good cause attributable to the employer when an employee leaves employment due to a change in the contract of hire. 871 IAC 24.26(1). The claimant may have discussed the job changes with the employer, but never informed the employer that the changes were so difficult for her that she would be forced to quit. If the job changes were that difficult, it seems the claimant would have made her objections known to the employer and would have informed the employer that was why she was quitting. The preponderance of the evidence demonstrates that the claimant quit her employment due to the garnishment. The claimant's separation from her employment cannot be attributed to the employer and benefits are denied.

DECISION:

The unemployment insurance decision dated February 11, 2004, 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.

sdb/s