

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

SHELLY R WRIGHT  
6483 – 209<sup>TH</sup>  
ALBIA IA 52531

MARKETLINK INC  
ATTN CARLA PEARSON  
4305 FLEUR DR  
DES MOINES IA 50321

Appeal Number: 06A-UI-02366-CT  
OC: 02/06/05 R: 03  
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, 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:

Shelly Wright filed an appeal from a representative's decision dated February 20, 2006, reference 03, which denied benefits based on her separation from Marketlink, Inc. After due notice was issued, a hearing was held by telephone on March 16, 2006. Ms. Wright participated personally. The employer participated by Carla Pearson, Human Resources Administrator.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Wright began working for Marketlink, Inc. on July 11, 2001 as a full-time training developer. On February 11, 2005, she was notified that her

position was being eliminated. She was given the opportunity to continue working full time but would spend part of the time as a trainer and the other part in sales. On or about February 14, Ms. Wright signed a document indicating she was accepting only part-time work as a trainer.

On July 9, Ms. Wright's supervisor met with her concerning planned restructuring. However, Ms. Wright had already decided before the meeting that she was going to quit. She was living in Albia and had to travel to Des Moines to conduct training. She no longer wanted to commute the 150-mile round trip the three to four days she trained each week. She also had plans to attend school, which she did begin at the end of August of 2005.

Ms. Wright was upset because the employer was no longer using some of the training materials she had developed. She was also upset that temporary employees were sometimes hired to perform work she could perform. She was also upset because she did not have full computer access. She never advised the employer that she intended to quit over these issues.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Wright was separated from employment for any disqualifying reason. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Although Ms. Wright's original job had been eliminated in February, she did not quit at that point. She accepted the employer's offer to continue as a part-time employee. She could have worked full time if she had chosen to perform sales work in addition to providing training. Because Ms. Wright chose to continue working after her original position was eliminated, the fact that she was only working part time in July did not constitute good cause for quitting. Her continuation of the employment for five months constituted acquiescence to the change made by the employer. It is not as if her wages in the part-time work were speculative, thus requiring a trial period of part-time work to determine if the wages would be satisfactory. She knew what her wages would be and approximately how many hours she would be working each week when she accepted the part-time work.

When she chose to only work part-time, Ms. Wright knew that she would still need to commute from Albia to Des Moines when she provided training. In spite of the distance, she continued in the employment for five months. The employer had the right to allocate work to temporary employees even though Ms. Wright may have been capable of performing it. The employer also had the right to determine the extent to which individuals would have computer access. The administrative law judge is not satisfied that Ms. Wright was singled out for disparate treatment of any type for any reason.

For the reason stated herein, the administrative law judge concludes that Ms. Wright did not have good cause attributable to the employer for quitting. Accordingly, benefits are denied.

#### DECISION:

The representative's decision dated February 20, 2006, reference 03, is hereby affirmed. Ms. Wright voluntarily quit her employment for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

cfc/tjc