

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

CECILIA TREJO
Claimant

APPEAL NO: 18A-UI-11746-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

NORDSTROM INC
Employer

OC: 11/18/18
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the November 30, 2018, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on December 20, 2018. The claimant participated in the hearing. The employer did not respond to the hearing notice and did not participate in the hearing.

ISSUE:

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time customer service representative (CSR) for Nordstrom, Inc. from October 29, 2018 to November 16, 2018. She voluntarily left her employment because she felt she was being harassed and singled out during training.

The training period for new CSRs is three weeks long. The first week is spent in the training room; the second week the CSRs spend half their day in the training room and half their day on the phones; and the third week they spend all day on the phones. They were told during training that during the second week they would be meeting with their future lead person and meeting with a quality control person.

The claimant met with a quality control employee during the second week of training and received a score of 86 and received positive feedback from customers. On November 6, 2018, the trainer met with the claimant in the office and told her it was taking her too long to find answers for customers and she was leaving them on hold too long. On November 8, 2018, she was called into the office and told she needed to improve her time in finding the answers for customers and decreasing their hold times. On November 13, 2018, the trainer again met with the claimant in the office and told her she was too slow and did not understand the questions being asked by customers. The claimant disagreed and told the trainer she was receiving

positive feedback from customers and quality control. On November 15, 2018, the parties met again and the claimant asked if the trainer was meeting with everyone and was told not to worry about everyone else. The trainer told the claimant November 16, 2018, was the last day of training and she would be listening to the claimant's calls. She stood behind the claimant while she took calls November 15, 2018, and the claimant was very uncomfortable and embarrassed in front of her co-workers. On November 16, 2018, the claimant went into work late and was very anxious. She looked for the manager before starting to work but could not find her. She started walking to her desk and decided she could not do her job anymore. She went to human resources and said she felt the trainer was harassing her because other trainees were asking the same questions as the claimant and the trainer did not meet with them in the office. The claimant was concerned she was going to be let go November 16, 2018, and did not want to be discharged so she voluntarily quit her job.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

The claimant was upset about being called into the office three times by the trainer during the training period. The trainer expressed concern about the claimant's ability on the phone and keeping customers on hold for long periods of time. The claimant was distressed by the situation and felt she was being harassed. The employer, however, has the right and responsibility to ensure the trainee is learning and performing to its expectations during the training period. It was not unreasonable for the employer to meet with the claimant in the office rather than in front of her co-workers. While the employer was evaluating the claimant during the training period it did not tell her it planned to terminate her employment. The claimant chose to voluntarily quit because she was feeling anxiety about the situation.

The claimant voluntarily left her employment because she was dissatisfied with the work environment. She has not demonstrated that her leaving was for unlawful, intolerable, or detrimental working conditions as those terms are defined by Iowa law. Therefore, benefits must be denied.

DECISION:

The November 30, 2018, reference 01, decision is affirmed. The claimant voluntarily left her employment without 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 benefit amount, provided she is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn