

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LYNETTE K THOMPSON**  
Claimant

**APPEAL NO. 12A-UI-14476-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**QWEST CORP**  
Employer

**OC: 10/28/12**  
**Claimant: Appellant (1)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The claimant, Lynette Thompson, filed an appeal from a decision dated December 3, 2012, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on January 16, 2013. The claimant participated on her own behalf. The employer, Qwest, did not provide a telephone number where a witness could be contacted and did not participate.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Lynette Thompson was employed by Qwest from July 8, 1980 until October 3, 2012 as a full-time customer communication technician.

The employer announced there would be several positions downsized and eliminated. Anyone who volunteered would receive an incentive package but no one was required to accept. If no one volunteered then employees would be involuntarily downsized in accordance with seniority. Ms. Thompson was “in the middle” in seniority and most likely would not have been downsized had she not volunteered. She chose to take the downsizing because her job had become very stressful and many changes were making it harder to perform the job duties.

**REASONING AND CONCLUSIONS OF LAW:**

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 accepted a permanent downsizing for her position even though she was not forced to do so. There is no indication she would have been involuntarily downsized because she had enough seniority to maintain her job.

The fact she chose to voluntarily accept the downsizing of her position makes this a voluntary separation from Qwest. The claimant is disqualified.

**DECISION:**

The representative's decision of December 3, 2012, reference 01, is affirmed. Lynette Thompson is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

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