

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KATHY STEVENS

Claimant

APPEAL NO: 09A-UI-05645-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AMERICAN CUSTOMER CARE INC

Employer

OC: 03/08/09

Claimant: Appellant (1)

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Kathy Stevens (claimant) appealed an unemployment insurance decision dated March 30, 2009, reference 01, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with American Customer Care, Inc. (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 May 6, 2009. The claimant participated in the hearing. The employer participated through Lisa Allen, Human Resources Assistant. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits?

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 customer care employee from January 15, 2009 through February 23, 2009 when she voluntarily quit. She had previously worked for this employer through a temporary agency selling coupon books. However, she was transferred to the customer care position approximately three weeks prior to being hired by the employer herein. The claimant was good at her job which may have explained why she was hired by the employer. However, she subsequently decided she did not like the job because she was required to make two attempts to talk customers into keeping a product which they called stating they did not want. The claimant felt like she was doing something immoral. The employer did not transfer her because she was hired for that position and the claimant opted to quit her employment.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits.

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.

871 IAC 24.25(27) provides:

Voluntary quit without good cause. 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. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code § 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code § 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(27) The claimant left rather than perform the assigned work as instructed.

The claimant quit her employment on February 23, 2009 because she did not like the job for which she was hired. She had worked in this same position for the employer through a temporary agency for three weeks prior to getting hired so it was not as if she did not know what the job entailed. It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. She has not satisfied that burden and benefits are denied.

DECISION:

The unemployment insurance decision dated March 30, 2009, 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.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css