

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**AMY S ARTLIP**  
Claimant

**APPEAL NO. 17A-UI-12556-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CDS GLOBAL INC**  
Employer

**OC: 11/12/17**  
**Claimant: Appellant (2)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Amy Artlip (claimant) appealed a representative's December 5, 2017, decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she voluntarily quit work with CDS Global (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for December 28, 2017. The claimant participated personally. The employer participated by Jill Murtaugh, Workforce Manager, and Rick Sheets, Production Manager for Customer Service. The claimant offered and Exhibit A was received into evidence.

**ISSUE:**

The issue is whether the claimant was separated from employment for any disqualifying reason.

**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 hired on October 30, 2017, as a full-time customer service representative. She responded to a web ad that said "Various schedules available between the hours 10a.m. – 8 p.m. Monday through Saturday. Training is schedule to begin on Monday October 30. Training hours are M-F 9a.m. – 4:30 pm, in our Harlan facility." The claimant understood she would work from home after the training period ended. She took this job because the hours fit with a night time care facility job she had that started at 5:30 p.m. At the time she was hired she told the interviewer that her home hours had to end by 5:00 p.m.

The claimant trained at the facility in Harlan, Iowa. On November 14, 2017, she was called into a conference room and a discussion followed about working on the Guidepost Magazine campaign. The female told her she would continue her training in Harlan for a number of weeks. During that time she would be working from 8:30 a.m. to 5:00 p.m. The claimant said she needed to leave work by 4:30 p.m. because of her other job. The female was rude to the claimant and told her to change the hours at the other job. The claimant said she could not. The claimant agreed to the Guidepost Magazine assignment because she felt she had no choice.

The claimant trained on Guidepost Magazine procedures. She found the employer's procedures to be unfair to the elderly. The subscription automatically renewed even though the claimant was certain many of the subscribers did not understand this fact. Also, the employer would remove subscriber's names from all mailing lists except Guidepost Magazine's mailing lists. The claimant worked for a care facility and considered herself a champion for the elderly. She did not feel she could ethically work on this campaign. She asked her supervisor if she could move to a different magazine. The supervisor said the production manager was not asking people to work for Guidepost Magazine. The claimant felt the supervisor implied the production manager was telling people to work for Guidepost Magazine.

On November 16, 2017, the supervisor told the claimant and a group of new employees working for Guidepost Magazine that everyone would be working 8:30 a.m. to 5:00 p.m., Monday through Friday, starting on November 20, 2017. This schedule would continue when they went home to work.

On November 16, 2017, the claimant told the employer she was quitting due to the commute. The claimant also quit because the employer changed the schedule after she was hired and the employer's policies on the elderly. Continued work was available had the claimant not resigned.

#### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work with good cause attributable to the employer.

Iowa Admin. Code r. 871-24.26(23) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(23) The claimant left work because the type of work was misrepresented to such claimant at the time of acceptance of the work assignment.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intention to voluntarily leave work was evidenced by her words and actions. She told the employer she was leaving and quit work.

When an employee quits work because the type of work was misrepresented to her when she accepted the assignment, her leaving is with good cause attributable to the employer. The claimant left work because the hours of work that were advertised were inaccurate. The training hours were advertised as 9:00 a.m. to 4:30 p.m., Monday through Friday. The employer changed the claimant's training to 8:30 a.m. to 5:00 p.m. The at home hours were advertised between 10:00 a.m. and 8:00 p.m., Monday through Saturday. The employer changed the claimant's at home hours to 8:30 a.m. to 5:00 p.m. The claimant would never have taken the job if the hours had been properly represented. Her leaving was with good cause attributable to the employer. The claimant voluntarily quit with good cause attributable to the employer. The claimant is eligible to receive unemployment insurance benefits, provided she is otherwise eligible.

**DECISION:**

The representative's December 5, 2017, decision (reference 01) is reversed. The claimant is eligible to receive unemployment insurance benefits, provided she is otherwise eligible.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/rvs