

**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**

**MICHAEL A STEVENS
8220 BROOKVIEW DR
URBANDALE IA 50322**

**SCHWAN'S CONSUMER BRANDS
115 W COLLEGE DR
MARSHALL MN 56258**

**Appeal Number: 05A-UI-01241-AT
OC: 05-23-04 R: 02
Claimant: Respondent (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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Schwan's Consumer Brands filed a timely appeal from an unemployment insurance decision dated January 25, 2005, reference 02, which allowed benefits to Michael A. Stevens. Due notice was issued for a telephone hearing to be held February 23, 2005. The employer, the appellant, did not provide the name and phone number of a witness. The claimant elected to rely upon statements made at the time of the fact finding interview.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Michael A. Stevens was employed by Schwan's Consumer Brands from September 20, 2004 until he resigned December 17, 2004. He worked as a Customer Operations Supervisor in Des Moines, Iowa. Mr. Stevens was hired from outside the company for this position. He relied entirely upon the descriptions provided by Dave Tibbits, the person who initially interviewed him and by David Halligan and Judy Cochrane at the company's office in Bloomington, Minnesota. The information provided by the employer substantially understated the number of hours that Mr. Stevens would be required to work and the duties which he would perform. When he told his supervisor, Paul Storey, that he was contemplating resigning, Mr. Storey acknowledged that Mr. Stevens had not been given a clear picture of the nature of the work.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that Mr. Stevens left employment with good cause attributable to the employer. It does.

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.

An individual who resigns because the nature of the work was misrepresented at the time of hire leaves work with good cause attributable to the employer. See 871 IAC 24.26(23). The evidence in this record establishes that Mr. Stevens left employment under circumstances contemplated by this rule. Benefits are allowed.

DECISION:

The unemployment insurance decision dated January 25, 2005, reference 02, is affirmed. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible.

sc/tjc