

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SARAH M SISCO
Claimant

APPEAL NO. 14A-UI-00245-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

INFINITY CONTACT INC
Employer

OC: 03/10/13
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed a timely appeal from a representative's decision dated December 31, 2013, reference 06, which denied unemployment insurance benefits. After due notice was provided, a telephone hearing was held on January 30, 2014. The claimant participated. The employer participated by Ms. Jennie Wildman, Senior Human Resource Manager.

ISSUE:

At issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered all the evidence in the record, the administrative law judge finds: Sarah Sisco began employment with Infinity Contact, Inc. on July 15, 2013. Ms. Sisco was hired to work as a telephone call center representative trainee and was paid by the hour. Her immediate supervisor was Jamie Hobb. Ms. Sisco voluntarily left her employment on July 17, 2013.

Ms. Sisco left her employment with Infinity Contact, Inc. on July 17, 2013 because she felt that she was having trouble learning the training that was being given to her. Although the employer was satisfied with Ms. Sisco's progress in training, the employer nonetheless offered to accommodate Ms. Sisco by offering her assistance in the training or more time in training so that she could adequately learn her job responsibilities. Ms. Sisco declined the employer's offer and left her employment. After quitting her employment Ms. Sisco left a message for her former employer on one occasion asking for information about an easier training class that was to begin in the future. When Ms. Sisco did not receive a response she looked for other employment opportunities.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the evidence in the record establishes that the claimant left employment with good cause that was attributable to the employer. It does not.

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.

871 IAC 24.25(33) 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 section 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 section 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:

(33) The claimant left because such claimant felt that the job performance was not to the satisfaction of the employer; provided, the employer had not requested the claimant to leave and continued work was available.

In the case at hand Ms. Sisco chose to leave employment with Infinity Contact, Inc. because she felt that she was not progressing satisfactorily in her training. The employer had not indicated in any manner that Ms. Sisco's performance was substandard or that she would be terminated from employment and the employer offered Ms. Sisco additional assistance in the form of help in the training or extension of the training period. However, Ms. Sisco declined hoping to be re-hired at a later date for an easier program.

While the claimant's reasons for leaving her employment on July 17, 2013 may have been personal good-cause reasons, they were not good-cause reasons attributable to the employer. Unemployment insurance benefits are withheld.

DECISION:

The representative's decision dated December 31, 2013, reference 06, is affirmed. The claimant left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount and is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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