

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WINSTON M HUANG
Claimant

APPEAL NO. 09A-UI-07066-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**ING USA ANNUITY AND LIFE
INSURANCE COMPANY**
Employer

OC: 04/29/09
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated April 29, 2009, reference 01, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on May 27, 2009. The parties were properly notified about the hearing. The claimant participated in the hearing. Frank Patterson participated in the hearing on behalf of the employer with a witness, Sasha Veenstra .

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked full time as an annuity customer services representative from July 6, 2004, to March 31, 2009. He voluntarily quit employment because he applied for a job as internal warehouse, but someone who he believed was less qualified got the job. The job would have involved a promotion and higher rate of pay. No one in management ever promised the claimant a promotion.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code section 96.5-1. The claimant has not sworn that he was ever promised a promotion. It is within management's prerogative to decide which candidate for a job is best suited for the position. The claimant had not shown that the decision was made based on some illegal discrimination. Consequently, he had not shown good cause attributable to the employer to quit his job.

DECISION:

The unemployment insurance decision dated April 29, 2009, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs