

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NICOLE A ROBERTS
Claimant

APPEAL NO. 07A-UI-04575-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GREAT RIVER MEDICAL CENTER
Employer

**OC: 04/15/07 R: 04
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Nicole Roberts filed an appeal from a representative's decision dated May 2, 2007, reference 01, which denied benefits based on her separation from Great River Medical Center. After due notice was issued, a hearing was held by telephone on May 22, 2007. Ms. Roberts participated personally. The employer participated by Rosie Lohmann, Human Resources Assistant, and Jennifer Houston, Lab Director.

ISSUE:

At issue in this matter is whether Ms. Roberts was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Roberts was employed by Great River Medical Center from May 24, 1999 until April 16, 2007 as a full-time phlebotomist. She voluntarily quit the employment because she had not been selected for three positions she applied for within the facility. Current employees who wish to be considered for vacancies within the medical center have to complete an application. The applications are initially screened by the human resources department to weed out those individuals who do not meet the minimum criteria for the job. The director of the department in which the vacancy exists then screens the applications to determine who will be offered an interview. Those applicants who are not interviewed are not given notice that they will not be considered.

Ms. Roberts made application for the position to supervise phlebotomists approximately one year before her separation but was not considered for the position. Approximately six months before her separation, she made application for the position of secretary but was not considered. Although she may have had the skills necessary for both positions, she did not enumerate her qualifications on the applications. It was her expectation that the employer would review her personnel file to determine what skills she had. Approximately two weeks before her separation, Ms. Roberts applied for an on-call position of phlebotomist and secretary. The employer again declined to consider her for the position. Ms. Roberts never contacted

human resources to determine why she was not being considered for positions she felt she was qualified for. The employer's failure to consider her for the positions she applied for was the sole reason for her decision to quit. Continued work would have been available if Ms. Roberts had not quit.

REASONING AND CONCLUSIONS OF LAW:

An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Roberts quit her job with the medical center because she was not selected for three positions for which she made application. The employer was under no obligation, contractual or otherwise, to consider her for vacancies. It appears that part of the reason she was not considered for the vacancies was her failure to list those skills or training she possessed that made her a viable candidate. It was unreasonable for her to expect the employer to review personnel files of all internal applicants to determine whether they had the requisite skills. It was more reasonable for the employer to expect the candidates themselves to point out their qualifications on the application.

There was no evidence that the employer's failure to consider Ms. Roberts for vacancies was based on legal discrimination. Inasmuch as the employer was under no obligation to consider her for vacancies, her decision to quit for this reason was not for good cause attributable to the employer. Accordingly, benefits are denied.

DECISION:

The representative's decision dated May 2, 2007, reference 01, is hereby affirmed. Ms. Roberts voluntarily quit her employment with the medical center for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css