

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHELLE A WATTERS**  
Claimant

**APPEAL NO. 15A-UI-12300-TN-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CBE COMPANIES INC**  
Employer

**OC: 10/11/15**  
**Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Michelle Watters, the claimant, filed a timely appeal from a representative's decision dated October 30, 2015 (reference 01) which denied unemployment insurance benefits, finding that the claimant voluntarily quit work. After due notice was provided, a telephone hearing was held on November 23, 2015. The claimant participated. The employer participated by Ms. Toni Babcock, Human Resource Director.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having considered all of the evidence in the record, the administrative law judge finds: Michelle Watters was employed by CBE Companies, Inc. from May 2011 until October 15, 2015; when she quit employment. Ms. Watters was employed as a full-time customer service representative and was paid by the hour.

Ms. Watters quit her employment with CBE Companies, Inc. on October 15, 2015; when she believed that she had not received sufficient training to begin a program with a different client, performing telephone collection work. Ms. Watters had initially been assigned to collection work by the employer when she was hired but later Ms. Watters began working on a program that required her to verify information and had not required collection type work. Approximately two weeks before Ms. Watters quit employment, she had been informed that the previous program was ending and that she, as well as other employees, had the option of being laid off at that time or accepting work in telephone collections at the employer's Cedar Falls job location. Ms. Watters chose to continue in employment and begin her training for collection work.

Because the training had ended two days sooner than promised, and because Ms. Watters believed that the trainer had wasted some training time talking about vacation plans, Ms. Watters believed that the training had been inadequate and felt uncomfortable in her new job position. Ms. Watters had also experienced difficulty in finding management personnel to be "second voice" on calls, at times when a second voice was required to complete the purpose of the call. Based upon the claimant's anxiety about these issues, Ms. Watters made the decision

to quit her employment and did so on October 15, 2015. The claimant had not complained to the employer prior to quitting about the length or adequacy of the training, or the unwillingness of a nearby supervisor to act as a "second voice" when needed. At the time Ms. Watters left, the employer was satisfied with her progress as a collections caller and had not issued Ms. Watters any disciplinary warnings or counseling.

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

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(21) and (33) provide:

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:

(21) The claimant left because of dissatisfaction with the work environment.

(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 general, a voluntary quit requires evidence of intent to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980). 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. See 871 IAC 24.25.

Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. The test is whether a reasonable person would have quit under the circumstances. See Aalbers v. Iowa Department of Job Services, 431 N.W.2d 330 (Iowa 1988) and O'Brien v. Employment Appeal Board, 494 N.W.2d 660 (Iowa 1993).

In the case at hand, Ms. Watters had previously worked as a collector for this employer and was offered the option of accepting a layoff or returning to collections work when a previous program that she had been assigned to with the company came to an end. The claimant chose to remain employed and resumed telephone collection work, she was then provided training by the employer and did not indicate that the training was insufficient or that she was not receiving sufficient help with a "second voice" requirement before quitting her employment on October 15, 2015.

It appears that in part, Ms. Watters quit her job because she anticipated that the employer was dissatisfied with her level of performance after she had returned to telephone collection work. At the time of quitting, the claimant had not been told by the employer that her performance was substandard or that her employment was in jeopardy because of her performance. The claimant's performance was considered to be acceptable, based upon the period of time that she had been back on the new program. Work continued to be available to Ms. Watters at the time that she left.

While the claimant's reasons for leaving were valid, good cause reasons from her personal viewpoint, they were not good cause reasons that were attributable to the employer. Accordingly, the claimant is disqualified for unemployment insurance benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount; and she is otherwise eligible.

**DECISION:**

The representative's decision dated October 30, 2015 (reference 01) 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 meets all other eligibility requirements of Iowa law.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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