

**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**

**AMBER D RUMLEY
1826 – 178TH PL
KNOXVILLE IA 50138**

**NATIONWIDE MUTUAL INSURANCE CO
TALX UCM SERVICES INC
PO BOX 283
ST LOUIS MO 63166 0283**

**Appeal Number: 05A-UI-02772-H2T
OC: 01-02-05 R: 02
Claimant: Appellant (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 Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the March 7, 2005, reference 05, decision that denied benefits. After due notice was issued, a hearing was held on April 5, 2005. The claimant did participate. The employer did not participate.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as an underwriter trainee full time beginning June 1, 2004 through December 22, 2004 when she voluntarily quit. The claimant quit because she believed her manager was criticizing her work too much. On two separate occasions the manager said to her “this job may not be the right fit for you” and “I don’t know if you’re going to make it in this

job.” On a weekly basis at the end of every week her manager would evaluate her performance. Some weeks the claimant was told she was doing better and others she was told she needed to improve her performance. The manager did not swear at the claimant. Continued work was available for her had she not quit.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

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.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2 (amended 1998). It is to be expected that a new employee undergoing training for a new job would be told of problems with his or her job performance. The employer has a right to criticize an employee's work in order to have tasks accomplished in an acceptable manner. The claimant has not established that the employer created an intolerable or detrimental work environment that would justify her quitting. The fact that she did not like having her work criticized is not good grounds for quitting. Her leaving was without good cause attributable to the employer. Benefits are denied.

DECISION:

The March 7, 2005, reference 05, decision is affirmed. The claimant voluntarily left her employment without 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 benefit amount, provided she is otherwise eligible.

tkh/sc