

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LOT M OUNAPHOM
Claimant

APPEAL NO. 11A-UI-04612-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QWEST CORPORATION
Employer

**OC: 03/13/11
Claimant: Respondent (2)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Qwest Corporation filed an appeal from a representative's decision dated April 4, 2011, reference 01, which held that no disqualification would be imposed regarding Lot Ounaphom's separation from employment. After due notice was issued, a hearing was held by telephone on May 3, 2011. The employer participated by Mates Rounds, sales manager, and was represented by John O'Fallon of Barnett Associates. Ms. Ounaphom opted not to participate.

ISSUE:

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

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Ounaphom was employed by Qwest Corporation from July 12, 2010 until February 24, 2011. She worked full-time as a center sales and service associate. On February 9, 2011, she received a written warning because she was not offering products to customers as required. She received a warning of dismissal on February 17 for the same conduct.

The employer met with Ms. Ounaphom on February 22 after she was again observed failing to make the required offers. The meeting was held to find out why she was not making the offers. She indicated that she did not feel the job was a good fit. She was told to take a couple of days to determine what she wanted to do. Two days later, she called and quit. Continued work would have been available if she had not quit. No decision had been made concerning her continued employment when she quit.

REASONING AND CONCLUSIONS OF LAW:

An individual who leaves employment voluntarily 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. Ounaphom quit her job because she did not feel it was a good fit for her.

There was no evidence that the job was misrepresented to her. She did not participate in the hearing to provide any other reason for leaving. The evidence as a whole failed to establish any good cause attributable to the employer for the quit. Accordingly, benefits are denied.

No overpayment results from this reversal of the prior allowance. Ms. Ounaphom has not been paid benefits on the claim filed effective March 13, 2011.

DECISION:

The representative's decision dated April 4, 2011, reference 01, is hereby reversed. Ms. Ounaphom voluntarily quit her employment for no good cause attributable to the employer. Benefits are denied until she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw