

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

PATRICK L TILLEY
Claimant

MEDIACOM COMMUNICATIONS
Employer

APPEAL NO. 17A-UI-07190-B2

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 06/18/17
Claimant: Appellant (2)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated July 11, 2017, (reference 01), which held claimant ineligible for unemployment insurance benefits. After due notice, an in-person hearing was scheduled for and held on August 1, 2017. Claimant participated and was assisted by attorneys Bethany Miller and Caitlin Jenkins. Employer participated by Lisa Wiblin. Claimant's Exhibit A was admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on June 18, 2017. Claimant voluntarily quit on that date because claimant was being threatened with termination by employer at the same time he was not given guidance on how to improve his work performance.

Claimant worked for employer since 2004. He had worked to provide enterprise fiber support for a number of years, but as of January 1, 2017 he'd been providing total care fiber support – including additional duties and responsibilities. Claimant stated that as of the beginning of the year he was supposed to provide customer support during his second shift job, working at or around the times of 8:00 p.m. – 7:00 a.m. four days a week. In working these hours, claimant did not have much support from employer as the majority of employees had gone home for the night.

Claimant had repeatedly seen low scores/evaluations from employer. As claimant was moved to the new position, he believed he was not properly trained for the position. Claimant repeatedly asked employer for training such that he might have more knowledge and be able to more quickly execute his duties. Employer told claimant that in order for him to get training he'd have to come in during the day to get the training when claimant worked nights. Claimant could not do this as he had other obligations.

Claimant stated that he was told repeatedly that he was close to being terminated. He felt great pressure from this and from his nightly complaints by his supervisors. Claimant states that there were not enough people working at night, so he had longer wait times because he had to run around to try and find answers to customer's questions as he'd not been taught the answers.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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 administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he was not given the training necessary to allow him to be successful in his position. Claimant repeatedly requested training, but was told for a six month period that training would not be available to him during his employment hours. Employer stated that at or around the time claimant separated from employer, that employer was preparing to offer claimant training during his work schedule. This lack of training such that claimant could effectively handle his new duties constitutes good cause for claimant to quit his employment which is attributable to employer.

DECISION:

The decision of the representative dated July 11, 2017, (reference 01), is reversed. Unemployment insurance benefits are allowed provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn