

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer in May 2001. The claimant worked as a full-time associate in the electronics' department. During her employment, the claimant applied for jobs in other departments, men's and soft lines. The employer did not transfer the claimant and instead placed employees who had not worked as long as the claimant in these jobs.

During her employment, the claimant had several absences. The employer gave the claimant written warnings for her attendance. While some of the claimant's attendance issues were for medical reasons, the claimant at times reported to work late. During the last three years, the claimant believed the employer treated her differently than other employees.

In April 2005, Van Roekel became an assistant manager. On July 22, 2005, Van Roekel personally asked the claimant to apply for a job opening in soft lines when the claimant came to work on Monday or Tuesday. When Van Roekel told the claimant she was holding the job open for the claimant to apply, the claimant was excited because she had previously applied for the same job. The claimant applied and believed the interview went well. The claimant thought the employer would give her the job. On July 30, when the claimant learned she did not get the job, she was devastated.

On July 30, the claimant was upset, but called employer to inform the employer she would not be at work the next day and was quitting because the employer had not treated her fairly the last three years.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause. Iowa Code §96.5-1. The claimant quit her employment on July 30, 2005. When a claimant quits, she has the burden to establish she quit with good cause attributable to the employer. Iowa Code §96.6-2.

The law presumes a claimant quits with good cause when she leaves employment because of intolerable or detrimental working conditions. 871 IAC 24.26(4). Even though the employer may have kept a position open so the claimant could apply, the employer did not guarantee the claimant would be transferred to the soft lines department. The facts show how much the claimant wanted this job and was extremely disappointed when the employer transferred another employee to this job.

For the past three years, the claimant felt the employer treated her differently. The employer may have taken advantage of the claimant's work ethic, but the evidence does not establish the claimant worked under intolerable or detrimental working conditions. The claimant ultimately quit because she did not get the job in the soft lines department. While this is a compelling personal reason for quitting, this reason does not qualify the claimant to receive unemployment insurance benefits. As of August 7, 2005, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's August 31, 2005 decision (reference 01) is affirmed. The claimant voluntarily quit her employment for compelling personal reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of August 7, 2005. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

dlw/kjf