

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ANNE M ROMANCO**  
Claimant

**APPEAL NO. 16A-UI-11812-TN-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ARTISTIC IRON WORKS INC**  
Employer

**OC: 08/07/16**  
**Claimant: Appellant (2)**

Section 96.5-1-a – Voluntary Quit

**STATEMENT OF THE CASE:**

Anne M. Romano, the claimant, filed a timely appeal from a representative's decision dated October 26, 2016, reference 02, which denied unemployment insurance benefits finding that the claimant voluntarily quit work on September 29, 2016 for personal reasons. After due notice was provided, a telephone hearing was scheduled for and held on November 16, 2016. The claimant participated. Although duly notified, the employer did not respond to the notice of hearing and did not participate.

**ISSUE:**

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

**FINDINGS OF FACT:**

The administrative law judge having considered all of the evidence in the record, finds: Anne M. Romano was employed by Artistic Iron Works, Inc. from September 22, 2016 until September 29, 2016 when she quit employment. Ms. Romano was hired to be the company's full-time office manager and was paid \$19.00 per hour. Her immediate supervisor was the company owner and manager, Mr. Rizzuto. Ms. Romano left her employment on September 29, 2016 after she found the employment to be substantially different from the way it was described at the time of hire.

At the time that Ms. Romano was hired by Mr. Rizzuto she was told that the position would require some general accounting and the claimant was asked if she was familiar with "Quick Books and pay apps." Ms. Romano indicated that she did have that type of experience, and believed based upon the interview that the bookkeeping and technology aspects for employment would generally be limited to accounts receivable and payables using the computer's applications referenced by Mr. Rizzuto.

After accepting employment, Ms. Romano found the job requirements of her position to require substantially more in the way of technical expertise than her generalized bookkeeping knowledge. After a few hours of limited training with the company owner, Ms. Romano was given a six-month backlog of bills with serious accounting errors to be corrected.

The employer was often unable to answer the claimant's questions about issues with company technology and accounting errors. After being referred to an outside source by her employer, Ms. Romano became aware that the major portion of her job responsibilities would be focused on technical accounting issues and computer issues that Ms. Romano did not have the previous training or experience to do. Ms. Romano made her decision to leave her employment when her employer was unable to answer accounting questions and accounting/IT issues and the employer ridiculed the claimant for not already knowing the answer to the question she had asked.

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

The question before the administrative law judge is whether the evidence in the record establishes good cause attributable to the employer for leaving. It does.

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. 871-24.26(23) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(23) The claimant left work because the type of work was misrepresented to such claimant at the time of acceptance of the work assignment.

In this case the employer did not participate in the hearing and all findings of fact are derived from the claimant's testimony. The claimant testified that the job position she was hired for was substantially misrepresented at the time she was hired, and that after being hired by the company she found the duties to be substantially different from the way that they were represented at the time she was hired. Although the claimant had basic bookkeeping skills for accounts receivable and accounts payable type of work and had the technical and accounting experience that she was questioned about, the actual job requirements of the position required substantially more experience in technical issues and in advanced accounting practices. The claimant received minimal training from the employer and when the claimant asked for assistance for answers to questions, her performance and knowledge were berated by her employer.

There being no evidence to the contrary, the administrative law judge concludes that the claimant has sustained her burden of proof in establishing that she left employment with this employer with good cause that was attributable to the employer. Accordingly, the claimant is eligible for unemployment insurance benefits, providing that she is otherwise eligible and the employer's account is chargeable.

**DECISION:**

The decision of the representative dated October 26, 2016, reference 02, is reversed. The claimant left employment with good cause attributable to the employer. Unemployment insurance benefits are allowed, providing the claimant is otherwise eligible.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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