

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was employed as a full-time account support associate from May 7, 1987 through July 15, 2005. She participated in the employer's voluntary force reduction and received severance pay through September 17, 2005. The claimant contends she was laid off but she also contends she left because of a claim of intolerable and detrimental working conditions. She did not like the job where she had been assigned for the last 20 months but she chose that job out of two offered to her. The claimant was offered another job since that time but she also declined it. She claimed that the office where she was working did not have a phone or a computer hook-up but later admitted that was just in the beginning. The claimant also stated she had to rely on her personal cell phone but, likewise, later admitted she received a company cell phone after she had applied for it. The claimant spent minimal time working in her office and worked on different campuses; she had a company car and traveled a lot. The claimant told the employer she chose that job for its flexibility and for the challenge it presented.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

Rule 871 IAC 24.25 provides that, in general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980). The claimant demonstrated her intent to quit and acted to carry it out by signing up for the employer's voluntary force reduction program.

The claimant quit her employment based on what she termed "intolerable working conditions", but she was not found to be a credible witness. When asked about her date of hire, she provided a date 12 years earlier than when she actually started. People often make mistakes about dates, but they are usually within a year or two, not a decade or more. Her main complaints were that the office in which she was working was a "dump site" and that she had no phone or computer hook-up. However, it was later learned that she did have both a phone and a computer, but just not when she was moved into that office. She also claimed that she was "operating off my personal cell phone" and that she "did not have a business phone at all times." After further questioning, she admitted she obtained a company cell phone after requesting it. The claimant's comments were misleading at best.

The claimant had a lot of control over her job within the company and her decision to leave was a personal one. It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. The claimant has not satisfied that burden. Benefits are denied.

DECISION:

The unemployment insurance decision dated October 13, 2005, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

sdb/kjw