

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TRACY SEIBOLD
Claimant

APPEAL NO: 13A-UI-01175-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

STREAM INTERNATIONAL INC
Employer

OC: 12/30/12
Claimant: Appellant (1)

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Tracy Seibold (claimant) appealed an unemployment insurance decision dated January 22, 2013, reference 01, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Stream International (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 20, 2013. The claimant participated in the hearing. Veta Myer participated pursuant to a subpoena issued on behalf of the claimant. The employer participated through Bangone Chanthavong, Human Resources Generalist. Employer's Exhibits One and Two were admitted into evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed full time from October 31, 2011 through December 28, 2012 when she voluntarily quit. She was hired as a customer support professional but had become a temporary recruiter on September 24, 2012. On December 28, 2012, Supervisor JoAnn Black was working remotely when she received a text message from Recruiter Veta Myers, who was on PTO due to her husband being in the hospital. Ms. Myers asked her supervisor whether she was "in trouble for screwing up some internal trackers she kept for the team?" Ms. Black responded no and asked why she thought that. Ms. Myers reported that she spoke with the claimant and the claimant said that Ms. Black was having Recruiter Samantha Milbrodt do Ms. Myer's work. Ms. Myers was "very upset as Tracy left her with the opinion that not only was she in trouble but there would be disciplinary action to her." Ms. Black assured her there were no issues and advised Ms. Myers to concentrate on her husband's health. The claimant was trying to find out information as to whether Ms. Myers had completed the daily sheets even though she did not have authority to access that information.

Ms. Black then called the claimant and asked her to go into the supervisor's office so they could speak privately in a phone call. Ms. Black questioned the claimant as to why she called Ms. Myers and the claimant said it was to let Ms. Myers know that work was being taken away from her. Ms. Black stated that it was her decision on who to train and for what reason and that it was not the claimant's responsibility to inform Ms. Myers of any work-related information, particularly when she was off work and upset over her personal situation. Ms. Black told her that she was breaking confidentiality and was just a temporary recruiter. The claimant testified that Ms. Black told her to shut up and listen to her. The claimant voluntarily quit because she felt like Ms. Black was threatening her position.

REASONING AND CONCLUSIONS OF LAW:

The issue to be determined 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 s

The claimant voluntarily quit her employment on December 28, 2012 after her supervisor called her and reprimanded her for contacting and upsetting a team member who was on PTO due to her husband's illness. The law presumes it is a quit without good cause attributable to the employer when an employee leaves after being reprimanded. 871 IAC 24.25(28).

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. She has not satisfied that burden. Benefits are denied.

DECISION:

The unemployment insurance decision dated January 22, 2013, 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.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css