

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

GLORIA S DAVIDSON
Claimant

NCS PEARSON INC
Employer

APPEAL NO. 14A-UI-11705-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 10/12/14
Claimant: Appellant (2)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated October 12, 2014, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on December 3, 2014. The parties were properly notified about the hearing. The claimant participated in the hearing. No one participated in the hearing on behalf of the employer. The person designated to participate was Troy Simmons.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked full time for the employer in the packaging and input and output departments in Cedar Rapids from February 6, 1998, to April 11, 2014. Most recently, the jobs had been projects of temporary duration and after finishing, she would be laid off until the next project.

On about May 9, 2014, the claimant reported for orientation for a short-term project in the employer's Iowa City location. She was not required to accept the project but instead volunteered to work the short-term project of about two weeks at the encouragement of friends who also worked at Pearson. She had never worked in Iowa City before. She understood that she would be doing scanning, but then was told that she would be working in the date prep area in a job she had never done before and was not the type of work she had any experience in. She said she would try the job. On about May 10, the claimant started work in the date prep area. The employees in the area did not have time to show her how to do the job because it was an overtime day and they were busy with their own work. She felt the employees were irritated when she asked questions that detracted from their work. She felt that she was expected to do the job without training, and by the end of the day she did not believe she had learned anything. She was afraid of making mistakes that she would be blamed for and would cost the employer money.

As a result, the claimant informed the employer that she was not going to continue in the job. By discontinuing the volunteer project, she did not quit her employment with Pearson. The claimant and the employer understand that the claimant will be recalled to work when work is available.

The claimant did not apply for unemployment insurance benefits until October 2014. She had filed for benefits in October 2013 after a layoff and exhausted benefits and had to wait to start her new benefit year.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code § 96.5-1 and 96.5-2-a.

Iowa Admin. Code r. 871-24.25(40) provides:

Voluntary quit without good cause. 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. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code § 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code § 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(40) Where the claimant voluntarily quit in advance of the announced scheduled layoff, the disqualification period will be from the last day worked to the date of the scheduled layoff. Benefits shall not be denied from the effective date of the scheduled layoff.

The claimant left a short-term project of two weeks. She did not file for unemployment insurance benefits until long after the work would have been completed. The employer considers the claimant as a current employment who will be recalled from layoff when work is available. She is not subject to disqualification as of October 12, 2014.

DECISION:

The unemployment insurance decision dated October 12, 2014, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs