

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MYYASHIANNA WILLIAMSON**  
Claimant

**APPEAL NO: 17A-UI-12352-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HUMACH LLC**  
Employer

**OC: 11/05/17**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the November 27, 2017, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on December 27, 2017. The claimant participated in the hearing. Jenni Bauer, Human Resources Generalist and Kim Hundrieser, Supervisor, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time member relations specialist for Humach from April 24, 2017 to November 3, 2017. She voluntarily left her employment.

The claimant was working on a client account that required she have an 85 percent compliance score. She had not met that level of compliance since her first month of employment when she was still in training. On September 15, 2017, the claimant received a final written warning for her compliance scores and was notified her employment would be terminated if she did not meet the goal that month. The claimant did not meet the goal but asked the employer to continue her employment. The employer decided to give the claimant another month. On October 31, 2017, the claimant emailed the call center supervisor and stated she understood her compliance scores were low but asked that the employer not terminate her for compliance. The employer replied there were also attendance and procedural issues as well. The employer talked to the claimant's supervisor at which time the claimant's compliance score was 76 percent for October 2017. The compliance scores for October 2017 were scheduled to be released November 6, 2017. Because the client conducts the monitoring that determines whether employees are allowed to stay and remain on the account, the employer knew it would be difficult, if not impossible, for the claimant to meet the 85 percent goal because there was no guarantee the client would score the claimant again that month. The claimant's supervisor met

with her and explained those facts and told the claimant her sales skills were strong and it was starting training for another account Monday, November 6, 2017. The employer asked the claimant if she wanted to participate in that class even though the pay would be \$10.00 per hour rather than the \$13.50 she was earning with the weekend differential. The claimant stated she would need to speak to her husband over her break and let her supervisor know her decision. After break, the claimant went to human resources and turned in her badge. The human resources employee asked the claimant if her supervisor was aware she was resigning and the claimant said yes and she could not work for less money because she could return to her previous job and earn more.

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

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

The claimant initiated the November 3, 2017, conversation with the employer by emailing the call center supervisor October 31, 2017, and asking that her employment not be terminated for low compliance scores. The employer told her it believed it was highly unlikely she would be able to meet the required 85 percent because the employer had no control over whether the client had randomly monitored the claimant enough during the last week of October 2017 to allow her to bring her scores up to 85 percent when the scores were released November 6, 2017. With that reality in mind, the employer, cognizant of the fact the claimant did not want to lose her job and that she was a good salesperson, told her about a new client with a new training class to begin on Monday and offered her a place in that class. The claimant argues the employer could not know whether she could meet the compliance goals for October 2017 and it was improper for the employer to tell her it thought it would be very difficult for her to meet the compliance goals before the end of the month and offer her another position. The claimant testified the employer terminated her employment November 3, 2017, and then offered her the other, lower paying position, but her testimony was not persuasive. The employer did not prepare any termination paperwork to take to the meeting with the claimant and had no intention of terminating the claimant until it received her compliance scores November 6, 2017, at which time the employer and the client would have made a decision on whether to allow the claimant to continue in her original position. It offered her the other position because it was doubtful she would make her goal and she was a good salesperson and had asked the employer if she could retain her job. The employer thought the claimant wanted to remain with the company and was seeking a way for her to do so.

Under these circumstances, the administrative law judge must conclude the claimant voluntarily left her employment and has not demonstrated that her leaving was for good cause attributable to the employer. Therefore, benefits must be denied.

**DECISION:**

The November 27, 2017, reference 01, decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/scn