

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JASON V BOWMAN
Claimant

APPEAL NO. 10A-UI-06645-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

STREAM INTERNATIONAL INC
Employer

OC: 04/11/10
Claimant: Appellant (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Jason Bowman, filed an appeal from a decision dated April 30, 2010, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on June 28, 2010. The claimant participated on his own behalf. The employer, Stream International, participated by Team Manager Michelle Nygaard and Human Resources Generalist Stacy Albert.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Jason Bowman was employed by Stream International from December 7, 2009 until March 24, 2010 as a full-time customer support professional. The employer's third-party quality assurance team would score telephone calls for compliance on each of the employees and bonus money would be awarded in accordance with the scores.

On March 21, 2010, a call of the claimant's was scored and he fell below the 85 percent required to achieve a bonus. He talked with his Team Manager Sasha Williams who stated she did not believe the score was incorrect. Mr. Bowman then went to Human Resources Generalist Stacy Albert to discuss it. She called in the Quality Manager Dawn Baldwin and the three of them went over the call. It was determined he had failed to follow proper procedure, in which he had been trained, and the score could not be changed. He asked Ms. Albert to fire him at that time because "it would look better for [his] attorney." She said there was no reason to fire him, that he could improve his scores during the remainder of the month and still be eligible for the bonus. He left the meeting stating he was not sure if he could continue working for Stream International and two days later notified Ms. Williams by phone he was quitting.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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.

871 IAC 24.25(13) 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 section 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 section 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:

(13) The claimant left because of dissatisfaction with the wages but knew the rate of pay when hired.

The claimant felt the employer had "stolen" \$1,000.00 from him because he did not get the bonus to which he felt he was entitled. There was no guarantee of a bonus, it was entirely contingent on him receiving a satisfactory score on the calls which were monitored. He was given the opportunity to discuss the scores with his team manager, the human resources department and the quality manager. None of them found sufficient cause to reverse the low score.

The claimant feels he performed his job as required and the employer disagreed based on a review of the calls by a third-party quality assessment team. Mr. Bowman is entitled to disagree with the scoring and did take advantage of an "appeal" process which was not resolved to his satisfaction. This disagreement does not constitute good cause attributable to the employer. No money was "stolen" from him as there is insufficient evidence to prove he was entitled to the bonus in the first place.

The record establishes the claimant quit without good cause attributable to the employer and he is disqualified.

DECISION:

The representative's decision of April 30, 2010, reference 01, is affirmed. Jason Bowman is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs