

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**JESSICA M SIMMERMAN**  
Claimant

**CBE COMPANIES INC**  
Employer

**APPEAL 16A-UI-09828-NM-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 08/14/16**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Admin. Code r. 871-24.25(13) – Wages

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the August 29, 2016, (reference 01) unemployment insurance decision that denied benefits based upon her voluntary quit. The parties were properly notified of the hearing. A telephone hearing was held on September 26, 2016. The hearing on September 26 was unexpectedly cut short due to technical difficulty with State of Iowa's phone and computer systems. Upon agreement of the parties, the hearing was ultimately concluded on September 28, 2016. The claimant Jessica Simmerman participated and testified. The employer CBE Companies Inc. participated through Chief Human Resource Officer Mary Phillips and Senior Operations Manager Amanda Gantois. Andrea Baker was also present on behalf of the employer but did not testify. Claimant's Exhibits A and B were received into evidence.

**ISSUE:**

Did claimant voluntarily quit the employment with good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as a debt collector from April 2, 2012, until this employment ended on August 10, 2016, when she voluntarily quit.

On June 15, 2016, claimant was notified that her position with the employer was being eliminated. Claimant and the other employees in her department were given the options of being transferred to another department or resigning. (Exhibit B). Claimant was making \$17.51 per hour and any of the new positions required a pay cut to \$13.99 per hour. Claimant met with Phillips to discuss her options on June 16. Claimant explained to Phillips she did not want to quit, but none of the options were going to work for her, as her monthly expenses, especially childcare, did not leave room for a pay cut. Claimant was very upset, but ultimately accepted one of the other positions with the company. Claimant began working in her new position on June 20 and remained in that position until the time of her separation.

On August 10, 2016, claimant sent an email to human resources informing them she was resigning effective immediately because of the pay cut. Claimant explained she could not afford childcare with her new reduced wages. Had claimant not resigned work would have continued to be available to her.

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

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

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.

Iowa Admin. Code r. 871-24.25 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.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). 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).

On June 20, 2016, claimant reluctantly accepted a new position with the employer when her position was eliminated. While she indicated to Phillips that she did not think that pay would work for her, claimant nevertheless accepted the new position. Claimant knew what the rate of pay for the new position would be. After working in the position for less than two months claimant determined the pay would not work for her and resigned. While claimant's leaving may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits are denied.

**DECISION:**

The August 29, 2016, (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she is deemed eligible.

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Nicole Merrill  
Administrative Law Judge

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Decision Dated and Mailed

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