

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**CATHERINE A MONEYSMITH
2117 MYRTLE ST
DAVENPORT IA 52804**

**EHTAN ALLEN INC
CARRIAGE HOUSE
C/O TALX UCM SVCS
PO BOX 283
ST LOUIS MO 63166 0283**

**Appeal Number: 05A-UI-01029-DWT
OC: 12/26/04 R: 01
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Catherine A. Moneysmith (claimant) appealed a representative's January 21, 2005 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits, and the account of Ethan Allen, Inc. (employer) would not be charged because the claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 15, 2004. The claimant participated in the hearing. Carol Bader, the general manager, appeared on the employer's behalf. 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:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer on February 23, 2004. The claimant worked as a full-time design consultant. When Bader became the general manager on September 1, 2004, she became the claimant's supervisor.

The claimant gave the employer her two-week notice on December 6, 2004. When the claimant resigned, her job was not in jeopardy. The claimant informed the employer she was resigning so she could go back to school. Since the employer's policy does not allow employees who resign to work any longer than the date they give notice of their intent to resign, the claimant's last day of work was December 6. The claimant did not establish a claim for benefits until the week of December 26, 2004.

The claimant did not really resign to attend school. Instead, she resigned because she believed Bader favored some employees, but not her. Although the claimant indicated she was available to work all Sundays, the claimant noticed a recent employee did not have to work every Sunday. This employee rotated with another employee. A few days before the claimant resigned, she told Bader it would be nice if she had a Sunday off before Christmas so she could do some shopping with her husband. Instead of telling the claimant she could have a particular Sunday afternoon off, Bader asked the claimant to submit a written request form like everyone else. The schedule was already posted and the claimant felt Bader denied her request for time off on a Sunday.

Even though at the time of hire, the claimant signed a form indicating the commission structure had been reviewed with her, the claimant did not understand the employer's commission structure. When Bader explained the commission structure to the claimant, she was shocked on how the employer structured commission and guaranteed for employees. The claimant also worked very hard at her job and did not receive a raise. The employer kept raising her monthly quota, but did not give her a raise.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. When a claimant quits, she has the burden to establish she quit with good cause attributable to the employer. Iowa Code § 96.6-2.

The claimant quit her employment on December 6, 2004, when she submitted her two-week resignation. Even though the claimant intended to work until December 20, the employer did not allow her to do this. If the claimant had filed a claim for unemployment insurance benefits immediately, she could have potentially received benefits for the weeks ending December 11 and 18. The claimant did not establish a claim for benefits until the week of December 26, 2004.

The claimant did not understand the employer's commission structure until Bader explained it. The claimant had, however, received information the employer's commission structure when

she started working. The claimant asserted Bader showed favoritism to some employees, but the facts do not support this assertion. Even if Bader favored some employees for unemployment insurance benefits, this does not amount to good cause to quit.

The claimant established compelling personal reasons for quitting. Her reasons do not, however, qualify her to receive unemployment insurance benefits. 871 IAC 24.25(13), (22). Therefore, as of December 26, 2004, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's January 21, 2005 decision (reference 01) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of December 26, 2004. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

dlw/sc