

**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**

**TAMME J FRAZIER
200½ S 3RD AVE
MARSHALLTOWN IA 50158**

**ACCESS DIRECT TELEMARKETING INC
% TALX UC EXPRESS
P O BOX 6007
OMAHA NE 68106-6007**

**Appeal Number: 04A-UI-10703-CT
OC: 08/29/04 R: 02
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:

Tamme Frazier filed an appeal from a representative's decision dated September 21, 2004, reference 01, which denied benefits based on her separation from Access Direct Telemarketing, Inc. (Access). After due notice was issued, a hearing was held by telephone on October 25, 2004. Ms. Frazier participated personally. The employer participated by Nate Bradbury, Center Manager, and was represented by Peg Heenan, Attorney at Law.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Frazier was employed by Access from November 3, 2003 until August 11, 2004 as a full-time telephone sales representative. August 11 was Ms. Frazier's first day back to work after a leave of absence. Upon her return, she was assigned to a different program than she had last worked.

The new program Ms. Frazier was assigned to was for First USA Bank. It is the employer's policy to provide four hours of initial training, followed by additional assistance as needed. The additional assistance usually involves "shadowing" another individual assigned to the same program. Supervisors are also available to provide assistance as needed. Ms. Frazier underwent four hours of training on August 11 but did not have a firm grasp of the particulars of the program. She was provided written materials but was asked not to review them during the training as the trainer felt he could do a better job of explaining the program. Ms. Frazier did not review the written materials in detail after the training. Because she did not understand the program for which she was to be making sales, she asked to transfer to a different program. When no other programs were available, she quit. Continued work would have been available if she had not quit.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Frazier was separated from employment for any disqualifying reason. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Frazier had the burden of proving that her quit was for good cause attributable to Access. Iowa Code section 96.6(2). She quit because she did not understand the program she was assigned to. Her contention that the employer refused to provide her with additional training beyond the four hours was without merit. She would have been able to "shadow" a more experienced representative and would have had a supervisor available for assistance. It would have been of no benefit to the employer to allow an untrained individual to attempt to make sales calls. The employer's business depends on sales results. It would not have been cost-effective for the employer to pay Ms. Frazier to make calls if she did not know the program well enough to generate sales. Moreover, Ms. Frazier did not fully read

the written materials provided for the program. Any questions she continued to have may have been answered by reference to the written materials. The administrative law judge can appreciate that she was not able to read the materials during training. However, she had the opportunity to do so after the four hours of training.

The administrative law judge concludes that Ms. Frazier's quit was not for good cause attributable to the employer. The employer was ready and willing to provide her with the assistance necessary to perform her job. Ms. Frazier quit rather than avail herself of the additional assistance needed to perform her job. For the above reasons, benefits are denied.

DECISION:

The representative's decision dated September 21, 2004, reference 01, is hereby affirmed. Ms. Frazier voluntarily quit her employment with Access for no 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 job insurance benefit amount, provided she satisfies all other conditions of eligibility.

cfc/