IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU

JUSTIN L BURKLE
Claimant

ALLIED SERVICES LLC
Employer

APPEAL 16A-UI-09613-H2T

ADMINISTRATIVE LAW JUDGE DECISION

OC: 08/07/16
Claimant: Respondent (1)

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

The employer filed an appeal from the August 26, 2016, (reference 01) unemployment insurance decision that allowed benefits. The parties were properly notified about the hearing. A telephone hearing was held on September 21, 2016. Claimant participated. Employer participated through (representative) Jerome Meyer, Operations Manager and Amanda Shaffer, Operations Supervisor.

ISSUE:

Did the claimant voluntarily quit his employment without good cause attributable to the 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 swing driver beginning May 28, 2015 through August 5, 2016, when he voluntarily quit. The claimant was hired initially to be a driver. He was trained for that position and performed it until he was offered and accepted a promotion to a swing driver position. When he was promoted into the job, the claimant was promised by the hiring manager, Dave Brodsky, that he would be trained on the routes and equipment before he was expected to perform on new routes or cover routes for other employees. The claimant worked on August 5 and learned that on Monday August 8 he was going to be expected to cover a route he had not been trained on and using equipment he had not been trained to operate. He called Ron to talk about the fact that he was going to be sent out on a route he had not been trained to cover and that he was going to have to operate equipment that he had not been trained to operate. Ron told him that they would deal with his issues and questions on Monday. The claimant had been working with equipment that consistently broke down and had not been given the training he was promised when he accepted the promotion. The claimant voluntarily quit because the employer was not providing the training he had been promised.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment with good cause attributable to the employer.

Iowa Code § 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. 871-24.26(23) provides:

> Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:
>
> (23) The claimant left work because the type of work was misrepresented to such claimant at the time of acceptance of the work assignment.

The claimant was clear with the hiring manager that he would only accept the promotion to swing driver if he could be trained on the equipment and routes he was expected to cover and use prior to being sent out. There is no dispute that the claimant was promised the training but did not receive it. The employer misrepresented the training that the claimant would be given before notifying him that he would be expected to cover an unfamiliar route with unfamiliar equipment the next working day. The claimant spoke to the supervisor and tried to get resolution, but his supervisor merely told him they would deal with it when it came up. The supervisor did not address the claimant's concerns that he was not getting the promised training. Under these circumstances, the administrative law judge concludes the claimant did have good cause attributable to the employer for leaving the employment. Benefits are allowed.

DECISION:

The August 26, 2016, (reference 01) decision is affirmed. The claimant voluntarily left his employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

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Teresa K. Hillary
Administrative Law Judge

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Decision Dated and Mailed

tkh/pjs