



UI Appeal Hearing Claimant Testimony

Persons on the telephone in the Appeal Hearing:

Williamson — Employer Primary Representative, Alice Williamson

Brown — TWC Hearing Officer

Mitchell — UI Claimant, Debbie Mitchell

Johnson — Employer Representative, Mike Johnson

II. Claimant's Portion of the UI Appeal Hearing

Narrator: This is a recording of a typical unemployment insurance benefits hearing. The majority of unemployment hearings involve whether the claimant is qualified for benefits, based on his or her last separation from work.

A hearing has several distinct parts: opening, claimant testimony, employer testimony, and closing. This is the claimant portion of the UI Appeal Hearing.

Brown, Hearing Officer: "OK. Ms. Mitchell, when did you work for Soft Line, Incorporated?"

Mitchell, UI Claimant: "From October of 1990 to December of 2003."

Brown, Hearing Officer: "Do you recall the date in December that was your last day of work?"

Mitchell, UI Claimant: "December 10."

Brown, Hearing Officer: "Was this your last employer before you filed for unemployment?"

Mitchell, UI Claimant: "Yes."

Brown, Hearing Officer: "What type of business is Soft Line, Incorporated?"

Mitchell, UI Claimant: "Retail."

Brown, Hearing Officer: "And what was your title or position?"

Mitchell, UI Claimant: "I was a Senior Loss Prevention Manager."

Brown, Hearing Officer: "Were you full-time or part-time?"

Mitchell, UI Claimant: "Full-time."

Brown – Hearing Officer: "What was your ending rate of pay?"

Mitchell, UI Claimant: "Thirty-seven thousand, two hundred dollars a year."



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Brown, Hearing Officer: "Did you quit or were you discharged?"

Mitchell, UI Claimant: "I quit."

Brown, Hearing Officer: "OK. Ms. Williamson, do you have the exact employment dates?"

Williamson, Employer Primary Representative: "The ones given by Ms. Mitchell are correct."

Brown, Hearing Officer: "What type of business do you have, Ms. Williamson?"

Williamson, Employer Primary Representative: "Retail."

Brown, Hearing Officer: "What was Ms. Mitchell's title or position?"

Williamson, Employer Primary Representative: "Senior Loss Prevention Manager."

Brown, Hearing Officer: "Was she full-time or part-time?"

Williamson, Employer Primary Representative: "Full-time."

Brown, Hearing Officer: "And do you know her ending rate of pay?"

Williamson, Employer Primary Representative: "\$37,200 a year."

Brown, Hearing Officer: "Did she quit or was she discharged?"

Williamson, Employer Primary Representative: "She quit."

Brown, Hearing Officer: "Since both parties agree that it was a quit, I'm going to take the claimant's testimony first, and then I'll go back and take the employer's testimony. Ms Mitchell, why did you quit?"

Mitchell, UI Claimant: "On December 8 I was being questioned about a stop that was made by two employees of mine. When I was initially asked about the stop by Ms. Williamson and Mike Johnson, I told them I did not know about the stop. After a period of time, we revisited the incident, and I told them I did know about the stop."

"At that time, I was returning to Alice Williamson's office. I had initially been there in her office and left with Mike Johnson. Then a little while later, Mike came down to my office, got me, and we went back to Alice's office. During the walk to Alice's office, Mike was on his cell phone with a member of the legal department at the home office, instructing that person to call Alice."

"When Mike and I arrived at Alice's office, I had to stand outside and wait because she was behind closed doors. A few minutes later, she had Mike come into her office. Again the door was closed, and I stood in the hallway. A few minutes later I went into the office. I stood in front of Alice's desk. I thought that there were two pieces of paper on her desk. One piece of paper was a resignation form, and one



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piece of paper was a termination form. I don't remember the exact discussion as far as what we said right before one of those pieces of paper was issued to me, but I do believe I said 'are you going to let me quit, or are you going to fire me.'"

"At that time, Ms. Williamson told me 'we will offer you the same choice we offered James,' who was one of the officers involved in this incident. 'You can resign or be terminated.'"

Brown, Hearing Officer: "OK. And did you opt to resign?"

Mitchell, UI Claimant: "I opted to resign."

Brown, Hearing Officer: "If you had not, would you have been fired?"

Mitchell, UI Claimant: "Yes."

Brown, Hearing Officer: "OK, then that might actually be a discharge as opposed to a quit, so I need to clarify that first."

Brown, Hearing Officer: "Ms. Williamson, first of all, do you have any questions for Ms. Mitchell regarding what she just said?"

Williamson, Employer Primary Representative: "No."

Brown, Hearing Officer: "OK, Ms. Williamson, did you all give her the option of quitting or being fired?"

Williamson, Employer Primary Representative: "No."

Brown, Hearing Officer: "Did you have two letters prepared, one a resignation, one a discharge paper?"

Williamson, Employer Primary Representative: "I had nothing prepared."

Mitchell, UI Claimant: "Were there any forms?"

Williamson, Employer Primary Representative: "There was a company form with absolutely nothing written on it. I keep it in my office, I'm a store manager."

Brown, Hearing Officer: "Did you all discuss that possibility?"

Williamson, Employer Primary Representative: "She sat in the chair. She asked me. I told her that James, who was her officer, had just resigned and she said 'Am I going to be allowed to resign too?' and I said OK."

Brown, Hearing Officer: "So did that mean resigning in lieu of termination or not?"

Williamson, Employer Primary Representative: "I had not made a final determination, because she didn't wish to discuss it in front of me with Mike."



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Brown, Hearing Officer: "Discuss what?"

Williamson, Employer Primary Representative: "Originally, we had a complaint that had gone to the home office. Wait. Let me back up, may I give you a little bit of background? "

(Note: This ends this segment of the claimant's portion of the hearing.)

Narrator: This concludes the claimant portion of the UI Appeal Hearing.