

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**CHRISTINA M ARELLANES**  
Claimant

**APPEAL NO. 07A-UI-11254-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HULL AVE INC**  
Employer

**OC: 10/28/07 R: 02**  
**Claimant: Respondent (1)**

Section 96.5(1) –Voluntary Quit

**STATEMENT OF THE CASE:**

Hull Ave, Inc. filed an appeal from a representative's decision dated November 28, 2007, reference 02, which allowed benefits to Christina Arellanes from October 28 through November 3, 2007 on a finding that she was discharged prior to the effective date of her resignation. The determination further found that her resignation was not for good cause attributable to the employer and denied benefits as of November 4, 2007. After due notice was issued, a hearing was held by telephone on December 19, 2007. Ms. Arellanes participated personally. The employer participated by Melissa Putman, Part-Owner.

**ISSUE:**

At issue in this matter is whether Ms. Arellanes was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Arellanes began working for Hull Ave, Inc., doing business as Hull Avenue Tavern, on August 23, 2007. She was last employed full time as a bartender. On October 20, she gave notice that November 4 would be her last day of work. Ms. Arellanes was quitting because she was not earning enough money. She was being paid the amount agreed upon at the time of hire.

The employer hired a replacement for Ms. Arellanes and began training that individual on or about October 26. Ms. Arellanes' last day at work was October 28. She traded her October 29 shift with another individual. In a conversation with the employer on October 29, Ms. Arellanes was advised that her replacement had been hired and that she was not to return to the workplace. She indicated she wanted to work through her notice period but was still told she could not return. Continued work would have been available for Ms. Arellanes if she had not given notice on October 20.

**REASONING AND CONCLUSIONS OF LAW:**

Ms. Arellanes gave notice on October 20 that she was quitting effective November 4. 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. Arellanes quit because she was not making enough money but was being paid the amount agreed upon at the time of hire. Where an individual leaves employment because of dissatisfaction with the wages but knew the rate of pay when hired, the separation is presumed to be without good cause attributable to the employer. 871 IAC 24.25(13). Inasmuch as there was no other reason for the separation, it was a disqualifying event. Therefore, benefits are denied as of November 4, 2007.

Where an individual is discharged prior to the effective date of resignation, she is allowed benefits from the last day worked until the date of resignation. 871 IAC 24.25(38). Although Ms. Arellanes wanted to work through her notice period, the employer would not allow her to do so. Therefore, pursuant to 871 IAC 24.25(38), she is allowed benefits from the effective date of her claim through November 3, 2007.

**DECISION:**

The representative's decision dated November 28, 2007, reference 02, is hereby affirmed. Ms. Arellanes is allowed benefits from October 28 through November 3, 2007 as she was discharged prior to the effective date of her resignation. Benefits are withheld effective November 4, 2007 as her quit was not for good cause attributable to the employer. Benefits are denied from November 4, 2007 until such time as Ms. Arellanes 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.

---

Carolyn F. Coleman  
Administrative Law Judge

---

Decision Dated and Mailed

cfc/pjs