

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

DEREK J PLAGGE
5345 HARBET AVE NW
CEDAR RAPIDS IA 52405

SDH EDUCATION WEST LLC
c/o JON-JAY ASSOCIATES
PO BOX 9170
PEABODY MA 01961

Appeal Number: 04A-UI-09359-BT
OC: 08/01/04 R: 03
Claimant: Appellant (2)

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:

Derek Plagge (claimant) appealed an unemployment insurance decision dated August 19, 2004, reference 01, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with SDH Education West (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 22, 2004. The claimant participated in the hearing. The employer did not provide a telephone number at which a representative could be contacted, and therefore, did not participate.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time concession manager from February 6, 1998 through May 5, 2004. In December 31, 2003, the general manager left and the claimant was assigned to complete those duties, in addition to his own. The claimant was interested in getting hired for that position and talked to the employer about it. The employer advised the claimant that it would see how he did, which left the claimant with the belief that if he did a good job, he would get the job. The claimant had to work close to 70 hours per week to accomplish the extra duties. In April 2004, he was told he was not getting the job and that the employer was hiring someone from the outside. The claimant was further advised that he was responsible for training the new general manager.

The claimant requested compensation and some recognition for the months he was the acting general manager but the employer offered him nothing. He advised the employer that he was going to quit his employment as a result of the employer's actions and his last day was May 5, 2004.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits.

Iowa Code section 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.

The claimant voluntarily quit on May 5, 2004. He has the burden of proving that the voluntary quit was for a good reason that would not disqualify him. Iowa Code section 96.6-2. The claimant quit his employment after he did not receive the promotion the employer implied would occur if he did a good job as the acting general manager. Although, there were no complaints made to the claimant about his performance, the employer hired someone from outside the company and expected the claimant to train this individual. The claimant's separation from the employer was a direct result of the employer's actions.

DECISION:

The unemployment insurance decision dated August 19, 2004, reference 01, is reversed. The claimant voluntarily quit his employment with good cause attributable to the employer and is qualified to receive unemployment insurance benefits, provided he is otherwise eligible.

sdb/pjs