

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KELLY KADNER
Claimant

TPI IOWA LLC
Employer

APPEAL 14A-UI-03454-B2

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/02/14
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit
Iowa Admin. Code r. 871-24.25(13) – Voluntary Quit

STATEMENT OF THE CASE:

An appeal was filed from an unemployment insurance decision dated March 19, 2014 (reference 01), that concluded claimant was not eligible to receive benefits. Notice of hearing was mailed to the parties' last-known addresses of record for an in-person hearing to be held at 11:00 a.m. on May 7, 2014. Claimant/appellant showed for hearing and the employer did not show, but documents submitted were allowed into evidence.

ISSUE:

Should the separation be seen as a voluntary quit or a discharge without cause?

FINDINGS OF FACT:

Claimant began work at TPI on November 6, 2013. She quit work on February 20, 2014. Ms. Kadner was paid \$12.00 per hour at the time of her hire, and was still receiving the same pay rate at the time of her ending her employment. While the claimant was still receiving the same pay rate throughout these dates, she believes that she was entitled to at least one pay raise that she'd been promised but did not receive.

Claimant did offer information that at her first evaluation she did not score high enough for a raise to occur, but stated at her second evaluation that she did score high enough, but the raise never occurred. At or around the time of her second evaluation, Claimant asked to be transferred to another department. She claimed any lack of output at her first assigned department, moldings, was caused by a lack of instruction from her moldings supervisor.

When claimant noticed that the paycheck she received at or around the time of separation didn't reflect the raise she was told she would receive, she quit.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant voluntarily left the employment without good cause attributable to the employer.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

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. 871-24.25(13) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(13) The claimant left because of dissatisfaction with the wages but knew the rate of pay when hired.

Claimant intended to quit work on February 20, 2014. The reasons mentioned for her quitting do not constitute "good cause" under the Iowa Code. As such the claimant is disqualified to receive benefits on this issue.

If the claimant/appellant disagrees with this decision, a request to reopen the record must be made to the administrative law judge within 15 days after the mailing date of this decision. The request should be mailed to the administrative law judge at the address listed at the end of this decision and must explain the emergency or other good cause that prevented the claimant/appellant from participating in the hearing at the scheduled time.

DECISION:

The unemployment insurance decision dated March 19, 2014 (reference 01), is affirmed. The decision denying benefits remains in effect.

Blair A. Bennett
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-242-5144

Decision Dated and Mailed

bab/pjs