

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DOUGLAS C WOODFORD
Claimant

APLIUM ASSOCIATES OF IOWA INC
Employer

APPEAL 16A-UI-11498-SC

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/20/16
Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

Douglas C. Woodford (claimant) filed an appeal from the October 13, 2016, (reference 03) unemployment insurance decision that denied benefits based upon the determination he voluntarily quit his employment with Aplium Associates of Iowa, Inc. (employer) due to dissatisfaction with the wages which he knew when he was hired which is not a good cause reason attributable to the employer. The parties were properly notified about the hearing. A hearing was held in Davenport, Iowa at 9:00 a.m. on November 23, 2016. The claimant participated personally. The employer did not respond to the hearing notice and did not participate. Claimant's Exhibits A and B were received.

ISSUES:

Did the claimant voluntarily quit the employment with good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was hired full-time to be a Cable/Disconnect Technician beginning on July 5, 2016, and was separated from employment on July 20, 2016, when he was discharged.

The claimant responded to an advertisement for a Cable/Disconnect Technician offering \$30.00 an hour with the potential to earn \$1,000.00 per week. He interviewed for the position and was told his pay would be commission based. He was told he would earn money for every task he performed. The employer had three other employees come to his interview to share with him the amount of money they had made the week prior. The claimant knew he would have to provide his own transportation and the geographical area in which he would be required to travel. He was told he would receive a vehicle expense reimbursement.

When the claimant started, he was told his job duties would include calling customers who were behind on their payments. He would earn commission on the percentage of the amount the customer agreed to pay and did pay towards their outstanding balances. The claimant spent hours each day contacting people but was unable to earn very much in commission. Additionally, the claimant did not understand how a commission salary worked as he had never worked commission before and did not know how it operated.

In his first pay period from July 4 through July 17, 2016, the claimant earned \$546.75 in gross wages and worked 50.75 hours. He spent \$120.00 in fuel during that time period and had wear and tear on his vehicle. Additionally, the employer deducted \$51.41 from his gross wages as part of a vehicle expense reimbursement. It did not give him additional money to cover his vehicle costs. On July 20, 2016, the claimant told his supervisor that he was quitting his employment as he was not earning enough to cover his costs.

The claimant filed his original claim for benefits on March 20, 2016. He reactivated his claim for benefits on September 4, 2016. The wages credits earned from this employer are not in the claimant's base period.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa law disqualifies individuals who voluntarily quit employment without good cause attributable to the employer from receiving unemployment insurance benefits. Iowa Code § 96.5(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). Employees who voluntarily leave employment when the job for which they were hired was misrepresented to them at the time of hire are considered to have voluntarily quit with good cause attributable to the employer. Iowa Admin. Code r. 871-24.26(23).

In this case, the claimant was hired into a technician position which required a vehicle large enough to carry a ladder and the company would supply tools. The majority of his pay then became based on debt collection. The claimant credibly testified that he does not have the personality for a debt collection position. The job was misrepresented to the claimant when he was hired. Accordingly, benefits are allowed.

DECISION:

The October 13, 2016, (reference 03) unemployment insurance decision is reversed. The claimant voluntarily left the employment with good cause attributable to the employer. Benefits are allowed, provided he is otherwise eligible. Any benefits claimed and withheld on this basis shall be paid.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/rvs