

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BONNIE J STEECE
Claimant

APPEAL NO. 09A-UI-04213-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**FRATERNAL ORDER OF EAGLES
– CLAY COUNTY**
Employer

**Original Claim: 02/01/09
Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Fraternal Order of Eagles of Clay County filed a timely appeal from an unemployment insurance decision dated March 3, 2009, reference 02, that allowed benefits to Bonnie J. Steece. After due notice was issued, a telephone hearing was held March 30, 2009, with Ms. Steece participating. Secretary Clint Hoger and Assistant to the Secretary Patricia Eaton participated for the employer.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Bonnie J. Steece was employed by Fraternal Order of Eagles of Clay County from March of 2008 until she resigned on or about January 9, 2009, because of difficulty with her paychecks. A total of four, including one on January 9, 2009, could not be cashed. Ted Jafvert, then the secretary of the organization, told the directors of Ms. Steece's resignation. At the time, Ms. Steece and Mr. Jafvert were living together.

The parties have legal issues that are beyond the jurisdiction of the unemployment insurance system.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant left work with good cause attributable to the employer. It does.

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.

An employer's breach of the contract of hire gives an individual good cause attributable to the employer to resign. See 871 IAC 24.26(1). An employer owes no greater obligation to its employees than to make certain that the employees are paid the correct amount on the correct day. Both parties agreed that Ms. Steece was not able to cash her paychecks when given to her. This gave her good cause attributable to the employer to resign.

DECISION:

The unemployment insurance decision dated March 3, 2009, reference 02, is affirmed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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