

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TIMOTHY R POWELSON
Claimant

APPEAL NO. 10A-UI-00186-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

A B C O ENGINEERING CORP
Employer

OC: 12/07/08
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated December 23, 2009, reference 04, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on February 23, 2010. Claimant participated. Employer participated by Robert Ruark, Owner.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on May 11, 2009. Claimant quit after a reprimand for inappropriate behavior. Claimant did not get his paycheck on time. Claimant called the employer at home and was able to get his check the same day. The employer wrote out a warning based on claimant's behavior which was abusive and threatening. Claimant also quit because he did not receive vacation pay for the last year. Claimant was not entitled to vacation pay because he had not worked sufficient hours to accrue vacation. Claimant also quit because he did not receive health insurance. Claimant was off work for a long period and did not pay the employer for health coverage while off work. Claimant was not entitled to health insurance coverage while off work.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of a reprimand. Claimant also quit over trouble getting paid. This is not good cause because claimant was paid on the same day that he asked for his check. Claimant also quit due to non receipt of vacation pay. Claimant had not worked sufficient hours during the year to accrue vacation. Claimant did not pay for his health insurance while off work and as such was not entitled to health insurance. These are personal reasons for a quit. Benefits withheld.

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.

871 IAC 24.25(28) 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:

(28) The claimant left after being reprimanded.

DECISION:

The decision of the representative dated December 23, 2009, reference 04, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css