

**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**

**JAMIE L SMITH  
803 W 6<sup>TH</sup> ST  
PERRY IA 50220**

**AL'S CORNER OIL COMPANY  
12053 HWY 71 N  
CARROLL IA 51401**

**Appeal Number: 05A-UI-11204-RT  
OC: 06/05/05 R: 02  
Claimant: Appellant (1)**

**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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant, Jamie L. Smith, filed a timely appeal from an unemployment insurance decision dated October 27, 2005, reference 02, denying unemployment insurance benefits to her. After due notice was issued, a telephone hearing was held on November 15, 2005, with the claimant not participating. Although the claimant had called in a telephone number where she purportedly could be reached for the hearing, when the administrative law judge called that number at 3:05 p.m. he reached the claimant's father. The claimant's father informed the administrative law judge that she was not there. The administrative law judge left a message with the claimant's father that he was going to proceed with the hearing and if the claimant wanted to participate she would need to call before the hearing was over and the record was closed. The administrative law judge provided an 800 number for the claimant to use. The hearing began when the record was opened at 3:08 p.m. and ended when the record was

closed at 3:20 p.m. and the claimant had not called during that time. Danee Snyder, Supervisor, participated in the hearing for the employer, Al's Corner Oil Company. The administrative law judge takes official notice of Iowa Workforce Development Department unemployment insurance records for the claimant.

#### FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: The claimant was employed by the employer as a full-time clerk from May 27, 2004 until she voluntarily quit on October 3, 2005. During some interim period the claimant was part-time but had been returned to full-time prior to her quit. On October 3, 2005, the claimant came to work and punched in on the time clock and then went to the restroom. The claimant then left the employer's premises without telling anyone anything. The claimant has never returned to the employer and offered to go back to work. The manager called the claimant and the claimant informed the manager that she did not feel like working that day and did not know if she was coming back after that. The claimant apparently quit because she was not given a raise, but the claimant was never promised any raise. The employer did have a policy that provided for a possible raise at the end of six months, but this was changed to one year. However, the claimant was never promised any raise. The claimant never expressed any concerns to the employer's witness, Danee Snyder, Supervisor, about her working conditions and in particular a raise, nor did she do so to anyone else that Ms. Snyder heard about. The claimant had never indicated or announced an intention to quit to Ms. Snyder if any problems she was having at work including any raise was not addressed by the employer nor did she do so to anyone else that Ms. Snyder heard about. Work remained for the claimant had she not quit. At fact-finding the claimant conceded that she had quit because she did not get her raise and further admitted that she had never been promised a raise.

Pursuant to her claim for unemployment insurance benefits filed effective June 5, 2005 and reopened effective October 9, 2005, the claimant has received no unemployment insurance benefits since separating from the employer herein on or about October 3, 2005. The claimant did receive benefits prior to that time but they are not relevant here.

#### REASONING AND CONCLUSIONS OF LAW:

The question presented by this appeal is whether the claimant's separation from employment was a disqualifying event. It was.

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(13), (21) 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.

(21) The claimant left because of dissatisfaction with the work environment.

The employer's witness, Danee Snyder, Supervisor, credibly testified, and the administrative law judge concludes, that the claimant voluntarily left her employment on October 3, 2005, when she came to work, punched in on the time clock, went to the restroom, and then left and never returned to work. At fact-finding the claimant conceded that she quit. The issue then becomes whether the claimant left her employment without good cause attributable to the employer.

The administrative law judge concludes that the claimant has the burden to prove that she has left her employment with the employer herein with good cause attributable to the employer. See Iowa Code section 96.6-2. The administrative law judge concludes that the claimant has failed to meet her burden of proof to demonstrate by a preponderance of the evidence that she left her employment with the employer herein with good cause attributable to the employer. The claimant did not participate in the hearing and provide reasons attributable to the employer for her quit. Ms. Snyder credibly testified that the first she learned about any reason for the claimant's quit was at fact-finding. Ms. Snyder testified that the claimant at fact-finding claims she quit because of a raise. However, Ms. Snyder credibly testified that she had never promised the claimant any raise nor did she know of anyone else who had promised the claimant a raise. At fact-finding the claimant even conceded that she had not been promised a raise. Leaving work voluntarily because of dissatisfaction with the wages but knowing the rate of pay when hired is not good cause attributable to the employer. Also, there is some evidence that the claimant was dissatisfied with her work environment but leaving work voluntarily for such dissatisfaction is also not good cause attributable to the employer. There is no evidence that the claimant ever expressed any specific concerns to the employer about her working conditions or any particular raise nor is there any evidence that the claimant ever indicated or announced an intention to quit if any of her concerns were not addressed including a raise. There is no evidence that the claimant's working conditions were unsafe, unlawful, intolerable or detrimental or that she was subjected to a substantial change in her contract of hire. Accordingly, the administrative law judge concludes that the claimant left her employment voluntarily without good cause attributable to the employer and, as a consequence, she is disqualified to receive unemployment insurance benefits. Unemployment insurance benefits are denied to the claimant until or unless she requalifies for such benefits.

#### DECISION:

The representative's decision of October 27, 2005, reference 02, is affirmed. The claimant, Jamie L. Smith, is not entitled to receive unemployment insurance benefits until, or unless, she requalifies for such benefits, because she left her employment voluntarily without good cause attributable to the employer.

dj/kjw