

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RODNEY D HACKWELL**  
Claimant

**APPEAL NO. 08A-UI-09108-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA TRENCHLESS LLC**  
Employer

**OC: 08/03/08 R: 01  
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated October 7, 2008, reference 01, that concluded he was eligible for benefits from August 3 to August 16, 2008, because he was terminated after he gave two-weeks' notice but he was ineligible effective August 17, 2008, because he quit without good cause. A telephone hearing was held on October 23, 2008. The parties were properly notified about the hearing. The claimant participated in the hearing. Jason Clark participated in the hearing on behalf of the employer with a witness, Tyler Raye.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

The claimant worked for the employer as a driver and operator from April 23, 2007, to August 7, 2008.

The claimant notified the employer that he was quitting employment effective August 15, 2008, because he believed the employer had not paid him the prevailing wage rate and the benefit package for the federal projects he worked on. The claimant was then informed that he was no longer needed, which the claimant understood to mean that he was terminated.

The employers paid the claimant what was due him under federal law requirement, which was verified by a recent audit of the employer's pay records.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

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.

The evidence fails to establish that the employer failed to pay the claimant what he was due under federal law. Good cause attributable to the employer to leave employment has not been proven in this case.

The unemployment insurance rules provide that a claimant who is dismissed after giving the employer notice that he is quitting at a future date is eligible up until the time of the resignation, but is disqualified afterward if he quits without good cause attributable to the employer. 871 IAC 24.26(12). Since the employer dismissed the claimant before his resignation became effective, the claimant was eligible for benefits from August 3 to August 16, 2008.

**DECISION:**

The unemployment insurance decision dated October 7, 2008, reference 01, is affirmed. The claimant is eligible for benefits from August 3 to August 16, 2008, because he was terminated after he gave two-weeks' notice but he is disqualified effective August 17, 2008, because he quit without good cause.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/css