

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KATHY M BOYNTON**  
Claimant

**APPEAL NO. 08A-UI-08035-D**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CRESTON HOMESTYLE LAUNDRY**  
Employer

**OC: 10/15/06 R: 03  
Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Leaving  
Section 96.7-2-a(2) – Charges Against Employer’s Account

**STATEMENT OF THE CASE:**

Creston Homestyle Laundry (employer) appealed a representative's September 8, 2008 decision (reference 03) that concluded Kathy M. Boynton (claimant) was qualified to receive unemployment insurance benefits after a separation from employment. After hearing notices were mailed to the parties' last-known addresses of record, an in-person hearing was held on November 13, 2008, in Creston, Iowa. The claimant participated in the hearing and presented testimony from two other witnesses, Karen Herr and Nancy Myers. Brad Sheren appeared on the employer's behalf and presented testimony from one other witness, Lacey Dunning. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUES:**

Did the claimant voluntarily quit for a good cause attributable to the employer? Is the employer's account subject to charge?

**FINDINGS OF FACT:**

The claimant started working for the employer on or about May 15, 2007. She worked part time (about 20 hours per week) as an attendant at the employer's laundromat. Her last day of work was on or about September 4, 2007. She voluntarily quit as of that date. Her reason for quitting was repeated delays in getting her checks on time.

During the time the claimant worked for the employer, the designated day and time for paychecks was 3:00 p.m. on Tuesdays. There had been multiple times in the weeks leading up to September 4 where the claimant's paycheck had not been available until later on the Tuesday, so as to make it impractical for the claimant to get the check that day, and at least a couple occasions where the check had not even been prepared until a day or two after Tuesday.

On September 4 the claimant came to the employer prior to 3:00 p.m. to get her check but the checks were not ready, nor were they by 3:00 p.m. The claimant had to leave, and decided

before leaving that she could not handle the continued delays in getting her check, turned in her keys, and quit.

The claimant established an unemployment insurance benefit year effective October 15, 2006. She reopened that claim with an additional claim for extended unemployment insurance benefits effective July 6, 2008.

**REASONING AND CONCLUSIONS OF LAW:**

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1. Repeated failure to pay wages as scheduled can be good cause for quitting. Deshler Broom Factory v. Kinney, 2 N.W.2d 332 (Nebraska 1942). “Good cause attributable to the employer” does not require fault, negligence, wrongdoing or bad faith by the employer, but may be attributable to the employment itself. Dehmel v. Employment Appeal Board, 433 N.W.2d 700 (Iowa 1988); Raffety v. Iowa Employment Security Commission, 76 N.W.2d 787 (Iowa 1956). While the employer may have had a good business reason not being prompt about getting its paychecks prepared and delivered timely, it is a good cause for the claimant's quit. Benefits are allowed.

The final issue is whether the employer's account is subject to charge. An employer's account is only chargeable if the employer is a base period employer. Iowa Code § 96.7. The base period is “the period beginning with the first day of the five completed calendar quarters immediately preceding the first day of an individual's benefit year and ending with the last day of the next to the last completed calendar quarter immediately preceding the date on which the individual filed a valid claim.” Iowa Code § 96.19-3. The claimant's base period for her regular claim year began October 1, 2005 and ended September 30, 2006. The employer did not employ the claimant during this time, and therefore the employer is not a base period employer and its account is not chargeable for benefits paid to the claimant that are attributed to the claim year effective October 15, 2006.

**DECISION:**

The representative's September 8, 2008 decision (reference 03) is affirmed. The claimant voluntarily quit for good cause attributable to the employer. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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