

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JEREMY G NICHOLS**

Claimant

**APPEAL NO. 16A-UI-11056-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GREGORY CONTAINER INC**

Employer

**OC: 09/18/16**

**Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Jeremy Nichols (claimant) appealed a representative's October 6, 2016, decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with Gregory Container (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for October 27, 2016. The claimant participated personally. The employer participated by Lonnie Timmerman, General Manager.

**ISSUE:**

The issue is whether the claimant was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on June 6, 2016, as a full-time welder working forty hours per week and earning \$11.00 per hour. When he was hired, the employer told the claimant that he would receive a raise after working for the employer for ninety days. The raise could be \$.50 or \$1.00 per hour.

On September 19, 2016, the foreman told the claimant that the general manager said he was only worth a \$.50 per hour raise. This upset the claimant and he asked the foreman why he did not fight for him. The claimant did not return to work after the lunch break on September 19, 2016.

The employer hired the claimant at a higher wage than some other employees. The general manager thought the claimant was a good employee. He did not give the claimant the \$1.00 raise because he was already earning a higher hourly wage. Continued work was available had the claimant not resigned.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

Iowa Admin. Code r. 871-24.25(13) 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.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intention to voluntarily leave work was evidenced by his actions. He walked off the job and stopped appearing for work. When an employee quits work because he is dissatisfied with his wages and knew the rate of pay when hired, his leaving is without good cause attributable to the employer. The claimant left work because he wanted a higher raise even though the employer gave him one of the raise options promised to him when he was hired. His leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

## DECISION:

The representative's October 6, 2016, decision (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount provided the claimant is otherwise eligible.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/rvs