

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**HEATHER H HACKETT**  
Claimant

**APPEAL NO. 12O-UI-01108-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SEDGWICK CLAIMS MANAGEMENT**  
Employer

**OC: 10/09/11  
Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated October 26, 2011, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on April 18, 2012 after an employment appeal board remand order. Claimant participated. Employer participated by David Williams, Hearing Representative Talx with witnesses Ebonye Stewart, Area Colleague Resources Manager and Lenore Hollingsworth, Quality Assurance Manager. Exhibits A and B were admitted into evidence.

**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 October 4, 2011. Claimant was working overtime after five a night off the clock. Claimant did not know she could receive overtime. Claimant's supervisor told claimant she should not work overtime. Claimant was told that she had to do the job in the hours allowed. Claimant quit because she was not allowed to work overtime. Claimant exaggerated her overtime work by stating that claimant worked an extra three hours a night for many weeks. Claimant worked about 16 hours overtime for which she was not paid. Claimant made a complaint which yielded payment for the overtime. The payment was made after claimant quit.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she was not getting paid overtime. Employer chilled claimant's application for overtime by telling claimant that she must complete the work in the time allowed. Claimant was compensated for 16 hours of overtime pay after she had quit. Claimant's allegations of working three hours every night for months is not credible. To the contrary, employer's version

is far more credible as it is backed up by computer records. Nevertheless, claimant had to file a complaint to get paid overtime. Trouble getting paid is a good cause reason for a quit. It takes only one reason that is good cause for benefits to be allowed. Benefits allowed.

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 24.26(1) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(1) A change in the contract of hire. An employer's willful breach of contract of hire shall not be a disqualifiable issue. This would include any change that would jeopardize the worker's safety, health or morals. The change of contract of hire must be substantial in nature and could involve changes in working hours, shifts, remuneration, location of employment, drastic modification in type of work, etc. Minor changes in a worker's routine on the job would not constitute a change of contract of hire.

871 IAC 24.26(3) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(3) The claimant left due to unlawful working conditions.

**DECISION:**

The decision of the representative dated October 26, 2011, reference 01, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/pjs