

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ALAN SKOWRONSKY

Claimant

APPEAL NO: 06A-UI-11663-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SMARTPOWER SYSTEMS

Employer

**OC: 02/26/06 R: 04
Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Smartpower Systems (employer) appealed an unemployment insurance decision dated November 28, 2006, reference 01, which held that Alan Skowronsky (claimant) was eligible for unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 20, 2006. The claimant participated in the hearing. The employer participated through Rita Kendrick, Payroll Supervisor and Dana Davis, Sales Representative. Claimant's Exhibits A through H were admitted into evidence. 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.

ISSUE:

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits.

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 employed as a full-time regional sales manager from April 11, 2006 through September 29, 2006 when he voluntarily quit. He covered nine Midwest states for this manufacturer and distributor of power protection devices. The claimant quit because he was not getting the support he needed. The employer's processes and procedures were either nonexistent or lacking and that resulted in slow payments of expenses and commissions. In April 2006, the claimant e-mailed his supervisor asking about the specific dates of a trip they were both going to take. The response was vague and the claimant was left to guess the correct dates but guessed incorrectly and incurred expenses that were not reimbursed. He filed an expense report for mileage on May 22, 2006 and the employer did not pay him until after he had turned in his resignation. Another expense report was submitted on June 10, 2006 and was paid on July 14, after several e-mails from the claimant.

Also on July 14, 2006, the claimant received his paycheck which showed a deduction for medical premiums even though he had declined medical coverage on May 26, 2006. The matter was resolved but for the claimant it was simply another example of the types of problems

he was experiencing at this company. The claimant's supervisor sent the claimant an e-mail on July 27, 2006 talking about commissions and the claimant replied that he would like to get the May, June, and July sales history. The supervisor responded that the information was in his commission statement but the claimant informed him that he had never received a commission statement. The claimant's first commission was paid on July 28, 2006 even though he started four months earlier. On August 31, 2006, the claimant requested some general information about seven companies that he needed for his job but the employer never responded. The claimant resigned on September 29, 2006 after more issues arose with the timely payment of his commissions.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits. He is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer. Iowa Code section 96.5-1.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980) and Peck v. Employment Appeal Bd., 492 N.W.2d 438 (Iowa Ct. App. 1992). The claimant demonstrated his intent to quit and acted to carry it out by notifying the employer of his resignation on September 29, 2006. He quit because he was not getting sufficient support from the employer, which included prompt and timely payments of expenses and commissions. "Good cause" need not be based on fault or wrongdoing on the part of the employer, but may be attributable to the employment itself. Raffety v. Iowa Employment Security Commission, 76 N.W.2d 787 (Iowa 1956). The employer's company was developing and would eventually have more effective procedures but the claimant could no longer continue working without prompt and timely commission and expense checks.

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify him. Iowa Code section 96.6-2. He has satisfied that burden and benefits are allowed.

DECISION:

The unemployment insurance decision dated November 28, 2006, reference 01, is affirmed. The claimant voluntarily quit his employment with good cause attributable to the employer and is qualified to receive unemployment insurance benefits provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css