

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SEAN B CRAWFORD
Claimant

APPEAL NO. 12A-UI-02519-VST

CEDAR VALLEY MECHANICAL INC
Employer

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/29/10
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed an appeal from a decision of a representative dated February 29, 2012, reference 12, which held that the claimant was not eligible to receive unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on February 29, 2012. Claimant participated. The employer participated by Mark Hoftender, owner. The record consists of the testimony of Sean Crawford; the testimony of Mark Hoftender; and Employer's Exhibits One and Two.

The timeliness of the claimant's appeal was listed as an issue in this case. The appeal was timely. The appeal was filed on March 12, 2012. The due date in the representative's decision was March 10, 2012, which is a Saturday. The appeal time was therefore extended to March 12, 2012.

ISSUE:

Did the claimant voluntarily quit his job for good cause attributable to the employer?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer fabricates equipment for packing houses such as the Tyson Foods plant in Waterloo, Iowa. The claimant was hired on July 27, 2010, as a millwright. The claimant was given a copy of the employee handbook when hired. That handbook stated that in order to get overtime hours for weekend work, an individual must work all days during the week. The claimant's last day of work was September 5, 2010. He quit his job and did not work after September 5, 2010. He did not tell the employer that he was quitting. He stopped showing up for work.

The claimant quit his job because he was angry about his paycheck. He had not worked on September 1, 2010; September 2, 2010; and September 3, 2010. These were weekdays—Wednesday, Thursday and Friday. He did work on September 4, 2010, and September 5, 2010. These were weekend days. The claimant thought he should have gotten overtime for his

weekend hours. His paycheck was not enough to cover his hotel bill. The claimant never asked the employer about the paycheck. He did not call the employer nor did he write to the employer. The employer tried to contact the claimant after he stopped coming to work. The claimant never returned any of those calls.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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.

A quit is a separation initiated by the employee. 871 IAC 24.1(113)(b). In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

In this case, the claimant initiated the separation of employment. He was unhappy over the amount of money in his paycheck and stopped coming to work. He thought he should have been paid overtime for weekend hours but he had not worked 40 hours that week and was not entitled to overtime for all of the weekend hours. Inexplicably, the claimant never contacted the employer about the paycheck. He did not call the employer and he did not write the employer nor did he return any of the calls the employer made to him to ask why he was not coming to work. A reasonable inference from the evidence is that the claimant was either not that angry about the paycheck or had other reasons for quitting his job. If he truly was angry over the paycheck, a reasonable person would have contacted the employer and at least asked about the overtime.

Even if the claimant did quit over the paycheck, he never gave the employer an opportunity to explain or correct a possible error. One mistake in a paycheck, even if it was a mistake, is not grounds to totally abandon one's job. The claimant voluntarily quit his job without good cause attributable to the employer. Benefits are denied.

DECISION:

The decision of the representative dated February 29, 2012, reference 12, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/pjs