

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer on May 18, 2005. The employer hired the claimant to work as a full-time production worker. When the claimant accepted employment, the employer's business was located in Cedar Rapids. In July the employer informed employees the business was relocating to Davenport and employees could transfer if they wanted. The claimant chose to transfer to Davenport and continue his employment.

In late August, the claimant learned the employer had not been sending in the claimant's payroll deductions for child support to the Department of Human Services. As a result, the State of Iowa considered the claimant behind in his support obligation. When the claimant talked to management about this problem, the employer told the claimant the problem would be taken care of by the employer's accountant.

After the claimant found a home to rent in the Maquoketa area, he made arrangements with movers to move his personal belongings on September 29, 2005. The claimant asked the employer for time off to move on September 29. The employer denied the claimant's request for any time off because the employer previously told employees they would be working seven days a week with no time off from Labor Day to the end of the year.

On September 18, 2005, the claimant notified the employer he was unable to work as scheduled. The claimant had moved some personal belongings to Maquoketa on September 15 and he stayed home to do more some packing. When the claimant reported to work on September 19, the employer gave him a written warning for failing to work the day before. The warning indicated that if the claimant missed one day of work within the next 120 days, the employer would discharge him. The claimant knew he would have to miss work when he moved on September 29, 2005.

In addition to the problems the claimant experienced with the employer sending his child support payments to the Department of Human Services, the claimant had problems cashing the employer's checks. The claimant also believed the employer no longer wanted the claimant as an employee because the employer decided to use people from temporary employment firms.

On September 19, the claimant quit. The claimant quit primarily because the employer failed to send in his payroll deductions for his child support payments and the Department of Human Services records indicated the claimant was behind six payments.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code §96.5-1. The claimant voluntarily quit his employment on September 19, 2005. When a claimant quits, he

has the burden to establish he quit with good cause attributable to the employer. Iowa Code §96.6-2.

The law presumes a claimant voluntarily quits with good cause when he quits because of change in the employment contract. 871 IAC 24.26(1). When the employer took out payroll deductions for child support, the employer agreed to send this money to the Department of Human Services on the claimant's behalf. The employer's failure to send in the claimant's money (payroll deductions) resulted in the claimant becoming behind in his payments. Even after the claimant brought this problem to the employer's attention, there is no evidence the employer corrected this problem. This constitutes a substantial change in the employment relationship. The claimant established good cause for quitting. Therefore, as of September 18, 2005, the claimant is qualified to receive unemployment insurance benefits.

The employer is not one of the claimant's base period employers. During the claimant's current benefit year, the employer's account will not be charged.

**DECISION:**

The representative's October 10, 2005 decision (reference 01) is reversed. The claimant voluntarily quit his employment for reasons that qualify him to receive unemployment insurance benefits. As of September 18, 2005, the claimant is qualified to receive unemployment insurance benefits, provided he meets all other eligibility requirements. During the claimant's current benefit year, the employer's account will not be charged.

dlw/pjs