

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GREG KRENZ**  
Claimant

**APPEAL NO. 08A-UI-06170-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ATC INC**  
Employer

**OC: 06/01/08 R: 04  
Claimant: Respondent (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

The employer appealed an unemployment insurance decision dated June 30, 2008, reference 01, that concluded the claimant voluntarily quit employment with good cause attributable to the employer. A telephone hearing was held on July 21, 2008. The parties were properly notified about the hearing. The claimant failed to participate in the hearing. Todd Philipp participated in the hearing on behalf of the employer. Exhibit A was admitted into evidence at the hearing.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

The claimant worked for the employer as a mechanic from February 12, 2008, to April 9, 2008. The owner of the business, Todd Philipp, was the claimant's supervisor.

The claimant was hired to work for a starting wage of \$12.00 per hour. Later, Philipp told the claimant that if he got his own tools, he would receive a raise to \$15.00 per hour.

The claimant had his own tools by the end of February. The claimant talked to Philippe in early March about this and was told that Philippe would have to go through his tools to make sure he had everything that he needed and then he would get the \$15.00 per hour. The next time the claimant got paid, the paycheck was still for \$12.00 per hour. The claimant confronted Philippe again. Philippe apologized and said that another employee had verified that the claimant had enough tools and he would get the raise on the next check.

When the claimant got his next check on March 28, 2008, it was still for \$12.00 per hour. He talked to Philippe again. Philippe told the claimant that he would get a check for the difference on Monday, or it would be on the next check. The claimant did not get a check for the difference on Monday, nor in the check for April 4 and the check for April 4 still was for \$12.00 per hour. Philippe later told the claimant that the lady who cuts the checks had made a mistake.

The claimant never received a check for the \$15.00 rate of pay and quit for that reason on April 18, 2008.

The employer's account is not presently chargeable for benefits paid to the claimant since it is not a base period employer on the claim.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

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.

The findings of fact show how I resolved the disputed factual issues in this case by carefully assessing of the credibility of the witnesses and reliability of the evidence and by applying the proper standard and burden of proof. Philippe was very uncertain in his testimony about dates and the claimant's written account is detailed and appears more accurate on the dates of paychecks and conversations. Philippe verified that he had told the claimant that he would receive \$15.00 once he got his own tools. In the end, Philippe claimed that because the paychecks are a week behind, the claimant quit before receiving the paycheck that would have been paid at the \$15.00 amount. This claim is not credible. It seems that if the employer had verification that the claimant had tools by mid-March, even if the checks were a week behind, the claimant should have received a check at the \$15.00 per hour rate by April 4 at the latest. The claimant voluntarily quit employment with good cause attributable to the employer.

The employer's account is not presently chargeable for benefits paid to the claimant since it is not a base period employer on the claim. If the employer becomes a base period employer in a future benefit year, its account may be chargeable for benefits paid to the claimant based on this separation from employment.

**DECISION:**

The unemployment insurance decision dated June 30, 2008, reference 01, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/css