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

STACIE E HOWE
Claimant

APPEAL NO: 07A-UI-06751-LT

ADMINISTRATIVE LAW JUDGE DECISION

BULK BAG SERVICES INC
Employer

OC: 06/10/07   R: 03
Claimant: Appellant (1)

Iowa Code Section 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the July 2, 2007, reference 01, decision that denied benefits. After due notice was issued, a telephone conference hearing was held on July 26, 2007. Claimant participated. Employer participated through Becki Nelson and Joe Doyle. Claimant's Exhibit A was received. Employer's Exhibit 1 was received.

ISSUE:

The issue is whether claimant quit the employment without good cause attributable to the employer.

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant was employed as a part time (35 hours per week) laborer from December 2004 until June 11, 2007 when she quit because she did not like the way employer handled a garnishment in February 2007. Employer was mistaken about the day payment on the garnishment would no longer be accepted before additional charges were added, so by the time the second check completing the full amount arrived it was too late to pay off the amount at that time. Employer had sent $145.00 in cash received from claimant on February 21 and the payment was posted to the garnishment account on February 23. On February 23 employer sent the equivalent of 11.5 hours deducted from her paycheck to cover the balance but the post office returned the envelope for postage so it was late by the time it arrived at the clerk's/sheriff's office. This resulted in an additional $190.00 in charges to pay off the garnishment. Employer continued to work with claimant to pay off this garnishment but was unable to do so for some time because claimant failed to work all hours available to her (for reasons such as she fell on ice and had to change clothes but never reported, left early, sitter problems, tax problems, legal issues, no show for three days) and did not have enough wages to garnish for multiple pay periods. There were some, but fewer, days when work was not available. Employer paid off the last of this garnishment from employer's funds on June 27. Of the 12 garnishments over her period of employment, this was the only problem.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her 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 claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6(2). An individual who voluntarily leaves their employment must first give notice to the employer of the reasons for quitting in order to give the employer an opportunity to address or resolve the complaint. *Cobb v. Employment Appeal Bd.*, 506 N.W.2d 445 (Iowa 1993).

Her failure to work because of child care and other personal issues when work was otherwise available was not a reason attributable to the employer for not having enough hours to make payments towards the garnishments. Claimant's dissatisfaction with how employer handled one part of one of twelve separate personal garnishments was not a good cause reason attributable to the employer for leaving the employment. Benefits are denied.

DECISION:

The July 2, 2007, reference 01, decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Dévon M. Lewis
Administrative Law Judge

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Decision Dated and Mailed

dml/pjs