

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JENNIFER M WILLIAMS
Claimant

APPEAL NO. 08A-UI-09857-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY
Employer

**OC: 08/03/08 R: 03
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Jennifer Williams filed an appeal from a representative's decision dated October 14, 2008, reference 03, which denied benefits based upon her separation from Casey's Marketing Company. After due notice was issued a hearing was held by telephone on November 10, 2008. Ms. Williams participated personally. The employer participated by Joe Wilson, Manager.

ISSUE:

The issue in this matter is whether the claimant quit for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: The claimant worked for this employer from January 3, 2007 until July 6, 2008 when she voluntarily quit employment. Ms. Williams worked as a part-time pizza maker/relief cashier and was paid by the hour. Her most recent immediate supervisor was Joe Wilson.

Ms. Williams left her employment with Casey's Marketing Company because a pay raise based upon evaluation results was denied by the company. Ms. Williams had been evaluated some months before leaving employment, however, the results of her evaluation had been delayed because of changes in the store's management. At the end of June 2008, Mr. Wilson informed the claimant that a pay increase would not be forthcoming because of her evaluation results. Ms. Williams was dissatisfied as she felt that her performance merited a pay increase and indicated that she might be leaving employment. The claimant did not report for work after approximately July 6, 2008 as she intended to quit and not to return.

At the time of hire employees are informed that all pay raises are based upon merit only and that the company would base any increases in pay on the employee's evaluation results. Ms. Williams initially was given a 25 cent per hour pay increase after her first 90-day evaluation, however, her pay was not increased thereafter.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that Ms. Williams left her employment with good cause for reasons attributable to the employer. It does not.

The evidence in the record establishes that company employees are informed at the time of hire that all pay raises are based solely on merit and that pay raises will be granted only if an employee's evaluation results are high enough to warrant an increase in pay. Although the claimant believed that she was performing duties beyond her areas of responsibility, the employer did not rate the claimant high enough in other areas in her evaluation to warrant a pay increase. Because of dissatisfaction with the failure of the company to provide a pay increase and the delay in informing her, Ms. Williams chose to leave employment.

While the claimant's reasons were undoubtedly good from a personal viewpoint, the administrative law judge must rule that the claimant's reasons do not establish good cause attributable to the employer. The claimant should have known the pay raises were based solely upon evaluation results and were not guaranteed by the company.

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.

DECISION:

The representative's decision dated October 14, 2008, reference 03, is affirmed. The claimant voluntarily quit without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided that she is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs