

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ARMANDO LOPEZ GIL
Claimant

APPEAL NO: 14A-UI-08762-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WHIRLPOOL CORPORATION
Employer

OC: 03/09/14
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's August 8, 2014 determination (reference 04) that disqualified him from receiving benefits and held the employer's account exempt from charge because he voluntarily quit this employment for reasons that do not qualify him to receive benefits. The claimant participated at the September 11 hearing. Carrie Jaster, a human resource generalist, appeared on the employer's behalf. Ike Rocha interpreted the hearing. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

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

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of March 9, 2014, when the business he had been working for closed. Department representatives talked to the claimant and other employees about unemployment insurance benefits. The claimant understood that he was eligible to receive benefits from the employer who was closing its business. The claimant also understood or was told that he could accept a job with another employer and try the job out for three weeks without any consequence to his unemployment insurance benefits.

The claimant accepted a job with the employer on April 8, 2014. The employer hired the claimant to work full time as an assembly employee. The claimant accepted the employer's offer to pay him \$13 an hour. The claimant had previously earned \$17 an hour.

The claimant's new supervisor considered the claimant an excellent employee who caught on quickly, and performed quality work. The claimant's supervisor recommended that the employer rehire the claimant.

The claimant quit this job on April 25 because the work was too fast and too hard for him. The claimant was in pain after work. The claimant concluded this job was not for him.

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). When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.5(1).

The law presumes a claimant quits with good cause when he leaves because of intolerable or detrimental working conditions. 871 IAC 24.26(94). The law also presumes a claimant quits without good cause when he leaves because of dissatisfaction with the wages but he knew the hourly rate when he accepted the job, 871 IAC 24.25(13.), or he leaves because he feels his job performance does not meet the employer's satisfaction even though the employer had not requested the claimant to leave and the employer had continuing work for the claimant. 871 IAC 24.25(33).

The claimant correctly understood that this employer would not be charged for any unemployment insurance benefits paid to the claimant during this benefit year. Unfortunately, the claimant misunderstood or received incorrect information about working for another employer for three weeks and could quit without any consequence to his unemployment insurance claim. The law requires that any time a person separates from an employer, the Department must determine if the reasons for that employment separation allow the claimant to receive benefits or not.

In this case, the claimant did not establish that he quit for reasons that qualify him to receive benefits. Instead, he quit for personal reasons that do not qualify him to receive benefits. As of April 27, 2014, the claimant is not qualified to receive benefits.

DECISION:

The representative's August 8, 2014 determination (reference 04) is affirmed. The claimant voluntarily quit this employment for reasons that do not qualify him to receive benefits. As of April 27, 2014, the claimant is not qualified to receive unemployment insurance benefits. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer is not a base period employer and will not be charged for any benefits that may be paid to the claimant.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css