

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KELLY HARRISON
Claimant

APPEAL NO: 13A-UI-02149-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

RANKIN MAYFAIR CLEANERS INC
Employer

OC: 01/20/13
Claimant: Respondent (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The employer filed a timely appeal from the February 15, 2013, reference 01, decision that allowed benefits to the claimant. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on April 23, 2013. The claimant participated in the hearing. Frank Rankin, Owner/President, participated in the hearing on behalf of the employer. Employer's Exhibit One and Claimant's Exhibits A and B were admitted into evidence.

ISSUE:

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time customer service representative for Rankin Mayfair Cleaners from September 15, 2012 to January 14, 2013. The claimant told Ann Nelson, who oversaw the front end of the store, that child support recovery called the employer that day because Owner Frank Rankin was four weeks, or two paychecks, behind on her child support payments. When child support recovery called, Ms. Nelson told Mr. Rankin child support recovery was on the phone and he yelled from the back end of the store, "Tell them they can put me in child support jail." Ms. Nelson told the claimant it "wasn't like your ex old man needs the money" and that if the claimant approached Mr. Rankin about the situation and "got into it with him" she would be shown the front door. The claimant told Ms. Nelson her child support payments needed to be current and consequently January 14, 2013, would be her last day with the employer as child support recovery called her every pay period because the employer did not make her payments on time.

The claimant was paid September 28, 2012, but her child support was not paid by Mr. Rankin until October 8, 2012; she was paid October 12, 2012, but her child support payment was not made until October 22, 2012; she was paid October 26, 2012, but her child support payment was not made until November 14, 2012, she was paid November 9, 2012, but her child support payment was not made until November 29, 2012; she was paid December 7, 2012, but her child

support payment was not made until December 24, 2012; the claimant was paid December 21, 2012, but her child support payment was not made until January 15, 2013; she was paid January 4, 2013, but her child support payment was not made until January 22, 2013; she was paid January 18, 2013, but her child support payment was not made until February 6, 2013; she was paid February 20, 2013, and her child support payment was made February 21, 2013; and she received her last paycheck February 25, 2013, and her child support payment was made February 26, 2013.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment with 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.

In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). 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. The employer must send child support payments within seven working days of the pay date (Claimant's Exhibit B). With the exception of the two pay periods that occurred after the claimant voluntarily left her employment, the employer paid her child support 10 days after the pay periods of September 28 and October 12, 2012; 19 days after the pay period of October 26, 2012; 20 days after the pay period of November 9, 2012; 17 days after the pay period of December 7, 2012; 25 days after the pay period of December 21, 2012; 18 days after the pay period of January 4, 2013; and 19 days after the pay period of January 18, 2013. The employer has a responsibility to make an employee's child support payments in a timely manner. In this case the employer failed to make the payments for up to 25 days after she received her paycheck until after the claimant quit her job due to late child support payments, which resulted in child support recovery calling the claimant every time her payment was due to ask where the child support payment was. This placed a great deal of stress on the claimant. Under these circumstances the administrative law judge must conclude the claimant has demonstrated that she left her employment for good cause attributable to the employer as the working conditions were intolerable and detrimental. Therefore, benefits are allowed.

DECISION:

The February 15, 2013, reference 01, decision is affirmed. The claimant voluntarily left her employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/css