

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PHILIP L KLINGE
Claimant

APPEAL NO. 09A-UI-15968-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AABLE PEST CONTROL INC
Employer

OC: 09/27/09
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Philip Klinge filed an appeal from a representative's decision dated October 19, 2009, reference 02, which denied benefits based on his separation from Aable Pest Control, Inc. (Aable). After due notice was issued, a hearing was held by telephone on December 9, 2009. Mr. Klinge participated personally. The employer participated by Lori Price, Operations Manager; Bill Cornell, Sales Technician; and Tony Wright, Branch Manager.

ISSUE:

At issue in this matter is whether Mr. Klinge was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Klinge began working for Aable on May 19, 2008. He was last employed full time as service manager. On or about September 1, 2009, he began working reduced workweeks due to medical reasons. He was working approximately 24 hours each week. He did not discuss with the employer how the reduced schedule would affect his pay. The employer pays employees two times each month. At the middle of the month, the employee is paid a draw. At the end of the month, the employee is paid all earnings for the prior month, minus the amount of the draw received that month.

Mr. Klinge did not receive any pay on the September 25 pay date. He told two coworkers, Bill Cornell and Tony Wright, that he was quitting the employment over the pay issue. When he spoke to Lori Price later, she explained that he did not receive any pay because he had not worked sufficient hours to cover the draw he had already received. She did offer to advance him pay so that he could continue working but he declined. He did not attempt to go over Ms. Price to resolve the pay issue. Continued work would have been available if he had not quit.

REASONING AND CONCLUSIONS OF LAW:

An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Mr. Klinge quit his job because he did not receive any pay on September 25. He knew that his pay would be reduced by the amount of any draw he received. Given his reduced workweeks, he knew or should have known that he would not earn enough in September to cover the draw for that month. Moreover, he notified the branch manager that he was quitting before he learned the reason he was not paid.

Mr. Klinge did not avail himself of the opportunity to try to resolve the pay issue before he quit. He could have gone over Ms. Price to discuss the issue but did not. He never put the employer on notice that he intended to quit if the pay issue was not resolved to his satisfaction. Furthermore, the employer did offer him an advance against future earnings but he declined it. Because the employer was not given a fair opportunity to address and possibly resolve the issue that was causing him to quit, it is concluded that Mr. Klinge's separation was not for good cause attributable to the employer. Accordingly, benefits are denied.

DECISION:

The representative's decision dated October 19, 2009, reference 02, is hereby affirmed. Mr. Klinge voluntarily quit his employment for no good cause attributable to the employer. Benefits are denied until he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css