

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**MICHAEL Y SPANGLER  
415 – 8<sup>TH</sup> AVE  
CLARENCE IA 52216**

**R J PERSONNEL INC  
TEMP ASSOCIATES  
PO BOX 1061  
MUSCATINE IA 52761**

**Appeal Number: 04A-UI-09964-AT  
OC: 08-15-04 R: 03  
Claimant: Appellant (1)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Michael Y. Spangler filed a timely appeal from an unemployment insurance decision dated September 8, 2004, reference 01, which disqualified him for benefits upon a filing that he had not contacted Temp Associates within three working days after the end of his previous assignment. After due notice was issued, a telephone hearing was held September 29, 2004 with Mr. Spangler participating. Exhibit A was admitted into evidence on his behalf. Account Manager Angie Braun and Tracy Meyer, Line Supervisor for HWH, participated on behalf of the employer, R. J. Personnel, Inc. d/b/a Temp Associates.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Michael Y. Spangler was employed by Temp Associates on assignment with HWH Corporation from October 14, 2002 until he resigned on August 17, 2004. On August 17, 2004, Mr. Spangler confronted his supervisor at HWH, Tracy Meyer, demanding to know whether he, Mr. Spangler, had received a pay raise. Mr. Meyer, who had been absent the day before, did not know the answer. He did not have time to find the answer for Mr. Spangler immediately. When Mr. Spangler kept pestering him for the information, Mr. Meyer said that he could not force Mr. Spangler to continue working. Mr. Spangler announced that he was quitting, locked his toolbox and left the premises. He did not advise Mr. Meyer of any other reason for leaving and he did not indicate that he would return.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that Mr. Spangler's separation from employment was a disqualifying event. It does.

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.

Mr. Spangler testified that his statement to Mr. Meyer was that he would leave for the day to go to his doctor if Mr. Meyer did not immediately tell him whether or not he had received a pay raise. Mr. Meyer denies that Mr. Spangler said that he would be going to his doctor or that he would return. The administrative law judge finds Mr. Meyer's testimony the more credible because it is the more plausible. An individual needing to leave to go to the doctor would be expected to do so, dealing with the uncertainty of a pay raise until his return. The administrative law judge concludes that Mr. Spangler resigned because of a dispute over the amount, if any, of a pay raise. One who resigns because of dissatisfaction with wages but who knew the rate of pay at the time of hire leaves work without good cause attributable to the employer according to 871 IAC 24.25(13). One who resigns and whose resignation has been accepted cannot as a matter of right return to work the following day to reclaim his or her position. See 871 IAC 24.25(37). Benefits must be withheld.

DECISION:

The unemployment insurance decision dated September 8, 2004, reference 01, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

pjs/kjf