

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ANDRES M SAUCEDO

Claimant

ALL STAR CONCRETE LLC

Employer

APPEAL NO. 17A-UI-10075-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 09/10/17

Claimant: Appellant (2)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated September 27, 2017, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on October 17, 2017. Claimant participated. Employer participated by Alejandro Vazquez and Francisco Mendoza.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on August 28, 2017. Claimant quit because his hourly rate of pay was reduced by employer. Claimant's first four or five paychecks were at \$13.00 an hour. After that, claimant's rate of pay was reduced to \$12.00 an hour in June. Claimant stated that he was never informed prior to the reduction that his pay was being reduced.

Employer stated that claimant had problems with coming to work and with his output, while he was at work. As a result, employer reduced claimant's wages rather than simply terminate claimant.

Claimant stated that he asked employer to raise his salary back up to where it was when he was hired, and employer did not do so. Claimant finally quit because he was not making the money he was told he would be paid when hired.

Employer did not alert prospective employees that their pay could be reduced if employer chose to do so.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

Iowa Admin. Code r. 871-24.26(1) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(1) A change in the contract of hire. An employer's willful breach of contract of hire shall not be a disqualifiable issue. This would include any change that would jeopardize the worker's safety, health or morals. The change of contract of hire must be substantial in nature and could involve changes in working hours, shifts, remuneration, location of employment, drastic modification in type of work, etc. Minor changes in a worker's routine on the job would not constitute a change of contract of hire.

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because his pay was reduced by employer. Claimant had no knowledge that this pay reduction could occur, and employer hadn't given claimant any warning prior to reducing his wages. Claimant continued working for employer for a period of time as employer had indicated that pay would be restored, but it wasn't

DECISION:

The decision of the representative dated September 27, 2017, reference 01, is reversed. Unemployment insurance benefits are allowed provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn