

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**ROBERT G HARKLEROAD**  
Claimant

**A B HAYES TRUCKING LLC**  
Employer

**APPEAL 19A-UI-10292-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/01/19  
Claimant: Respondent (1)**

Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment  
Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation Fact-finding Interview

**STATEMENT OF THE CASE:**

On December 27, 2019, the employer filed an appeal from the December 17, 2019, (reference 01) unemployment insurance decision that allowed benefits based on a separation from employment. The parties were properly notified about the hearing. A telephone hearing was held on January 22, 2020. Claimant participated. Employer participated through owner Austin Hayes and owner Tammy Hayes.

**ISSUES:**

Was the claimant discharged for disqualifying job-related misconduct?  
Has the claimant been overpaid unemployment insurance benefits, and if so, can the repayment of those benefits to the agency be waived?  
Can any charges to the employer's account be waived?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer in February 2016. Claimant last worked as a full-time driver. Claimant was separated from employment on October 22, 2019, when he resigned.

Employer never provided claimant with pay stubs throughout his employment.

Claimant made personal charges on employer's credit card. Employer also believed claimant owed him money for the cost of a semi-truck being towed after claimant drove it into a ditch. Employer began making deductions from claimant's paycheck in May 2019 to recoup these funds, but did not provide any documentation to claimant to show how the deductions were being made.

On October 18, 2019, claimant did not receive a paycheck because of the deductions.

Claimant decided he was getting too old to be driving a truck for such little money and without knowing what deductions were being made.

On October 22, 2019, claimant parked the truck and resigned.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant voluntarily left the employment with good cause attributable to the employer.

Iowa Code section 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(3) 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:

(3) The claimant left due to unlawful working conditions.

Iowa Admin. Code r. 871-24.26(4) 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:

(4) The claimant left due to intolerable or detrimental working conditions.

In this case, claimant resigned because he felt he was getting too old to be driving, but also because he was not receiving a paycheck due to deductions and did not know whether the deductions were legitimate because employer never provided him with paystubs. Although the deductions had been taken for quite some time, an employee cannot acquiesce to illegal conduct. Based on the evidence provided at the hearing, it seems doubtful that the deductions were in compliance with Iowa Code 91A. Even if they were, employer is required to provide claimant with a paystub each pay period, pursuant to Iowa Code section 91A.6 and it did not do that.

No reasonable person would continue to work for an employer without getting a paycheck due to deductions and being provided absolutely no information regarding the amount of the deductions versus the amount being paid for time worked.

Claimant established he resigned for a good cause reason attributable to employer.

Because claimant is qualified to receive benefit payments, the issues regarding overpayment of benefits are moot and will not be discussed further in this decision.

**DECISION:**

The December 17, 2019, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the employment with good cause attributable to the employer. Benefits are allowed, provided he is otherwise eligible.



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Christine A. Louis  
Administrative Law Judge  
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January 24, 2020  
Decision Dated and Mailed

cal/scn