

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HAROLD D HOUSTON

Claimant

APPEAL NO. 11A-UI-02605-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

VOLT MANAGEMENT CORP

Employer

OC: 12/26/10

Claimant: Respondent (2-R)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's February 23, 2011 determination (reference 02) that held the claimant qualified to receive benefits and the employer's account is subject to charge because the claimant voluntarily quit his employment for reasons that qualified him to receive benefits. The claimant participated in the hearing. His father, Harry Young, testified on his behalf. Vickie Cam appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit his employment of reasons that qualify him to receive benefits?

FINDINGS OF FACT:

The claimant had been working at EDS through Kelly Services. When the employer took over the EDS contract, the claimant continued to work at EDS but then worked for the employer. The claimant started working for the employer on July 20, 2009.

Based on the procedure EDS used to record time and then transmit that time to the employer, there were problems with some employees' paychecks for about two months. Two or three times after he started working for the employer, the claimant was one of several employees who had problems getting paid for all the hours he worked. Problems occurred because employees recorded when they reported to work and left work. Their supervisor then recorded the time employees worked and forwarded those hours to the employer. When employees complained to the employer, the employer investigated by contacting the supervisor to verify an employee's reported hours versus the hours EDS initially reported. The claimant went directly to an EDS manager because his father, Young, worked with him. The employer investigated each complaint and believed the hours an employee may have been initially shorted were eventually resolved.

The claimant became frustrated when there was more than one time that he had problems getting paid for all the hours he worked. Finally, he gave his EDS supervisor a two-week notice. The claimant did not contact the employer to submit his resignation and he did not tell the employer why he resigned. The claimant worked until the effective date of his resignation, December 14, 2009. If the claimant had not resigned, there was continuing work for him to do.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if a claimant voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). The claimant submitted his resignation and worked until the effective date of resignation, December 14, 2009. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6(2).

The law presumes a claimant quits with good cause when there is a substantial change in his employment. 871 IAC 24.26(1). The employer admitted there were problems with accurately paying employees for about two months. This occurred when the employer first took over the contract at EDS. The claimant was not the only employee who had problems getting paid for all the hours he worked. Instead of reporting his wage issues to the employer, the claimant worked through an EDS manager to get paid for all the hours he worked. Even though the employer resolved or believed they had resolved the all the wage issues by October 2009, the claimant was frustrated with the problems he had getting paid for all the hours he worked.

Even though the claimant told EDS management he was quitting, he did not notify the employer that he had decided to quit, why he was quitting, or that he had continuing problems getting paid correctly. Since the claimant worked for the employer at EDS, any problems he had with his wages he should have reported to EDS.

The claimant established compelling reasons for quitting. He was frustrated after the employer took over at EDS and there were initial problems paying employees for all hours worked. The claimant did not establish that he quit for reasons that qualify him to receive benefits, since the employer worked to resolve the wage issue as quickly as possible. As of December 12, 2009, the claimant is not qualified to receive benefits.

An issue of overpayment or whether the claimant is eligible for a waiver of any overpayment will be remanded to the Claims Section to determine.

DECISION:

The representative's February 23, 2011 determination (reference 02) is reversed. The claimant voluntarily quit his employment in December 2009 for personal reasons that do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of December 12, 2009. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged. An issue of overpayment or whether the claimant is eligible for a waiver of any overpayment is **Remanded** to the Claims Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw