

BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319

HARLEY R URBATSCH

Claimant

and

ALL STATES AG PARTS INC

Employer

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HEARING NUMBER: 17BUI-00374

EMPLOYMENT APPEAL BOARD
DECISION

NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT** IS FILED WITHIN **30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.5-1

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. With the following modification, the administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED** with the following **MODIFICATION**:

The Employment Appeal Board would modify the administrative law judge's Reasoning and Conclusions of Law to include the following as supportive legal analysis:

Even if it were true as the Claimant testified that the Employer promised to give him a raise after three months, the record shows that the Claimant didn't quit until 8 months later. As such, he is considered to have acquiesced in the Employer's decision not to give him a raise. The court in Olson v. Employment Appeal Board, 460 N.W.2d 865 (Iowa App. 1990) held that there is no 'trial period' exemption in the voluntary quit provisions. Thus, the Claimant's willingness to accept the change (or in this case lack of a raise) in his employment for nearly seven months, renders his complaint after that time period to be too remote to consider it a quit with good cause.

Lastly, the Claimant has requested this matter be remanded for a new hearing. The Employment Appeal Board finds the applicant did not provide good cause to remand this matter. Therefore, the remand request is **DENIED**.

Kim D. Schmett

Ashley R. Koopmans

James M. Strohman

AMG/fnv