

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROBERTO C MORENO**  
Claimant

**GROW LABOR LLC**  
Employer

**APPEAL NO. 12A-UI-11600-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 02/19/12  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant filed an appeal from a decision of a representative dated September 18, 2012, reference 03, which held that the claimant was ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on October 24, 2012. The hearing could not be completed at that time and the case was reconvened on October 31, 2012. The claimant participated personally. The employer participated by Patricia Ramirez. The record consists of the testimony of Robert Moreno; the testimony of Patricia Ramirez; Claimant's Exhibits A-G; and Employer's Exhibits 1-10. Ninfa Redmond served as Spanish interpreter for the claimant.

**ISSUE:**

.Whether the claimant voluntarily left for good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a temporary staffing agency. The claimant was assigned to work at Centrum Valley Farms, an egg processing plant, on June 20, 2012. His last day of work was July 28, 2012, which was a Saturday. The claimant failed to return to work and moved back to Texas. He was paid by the employer for all of the time he worked.

Three of the claimant's paychecks were delivered to him on July 26, 2012. The employer did not realize that the checks were not being direct deposited and the claimant did not inform the employer of the problem. Once the employer was notified, the situation was fixed by the employer.

**REASONING AND CONCLUSIONS OF LAW:**

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.

The claimant is not eligible for unemployment insurance benefits. He quit his job without a good reason caused by the employer. The claimant testified that the reason he quit was that he did not receive his paychecks. The employer provided testimony that there was a problem with the direct deposit on three of the claimant's paychecks. The employer did not know about the problem and the claimant did not tell the employer there was a problem until the third paycheck. The employer corrected the problem by personally delivering the checks to the claimant on July 26, 2012. The claimant worked for two days after that and then stopped showing up for work.

The administrative law judge concludes that the claimant made the decision to move back to Texas and stopped coming to work. His testimony that he was being forced out of his living space is not credible since he clearly had been paid in full by July 26, 2012. Whatever circumstances led the claimant to go back to Texas were not caused by the employer. Benefits are denied.

**DECISION:**

The decision of the representative dated September 18, 2012, reference 03, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

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