

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**MADINA MOHAMMED**  
Claimant

**A H MANAGEMENT LP**  
Employer

**APPEAL 18A-UI-01321-LJ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/10/17**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Admin. Code r. 871-24.25(13) – Quit Due to Dissatisfaction with Wages

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the January 16, 2018, (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit her employment due to dissatisfaction with her wages. The parties were properly notified of the hearing. A telephone hearing was held on February 22, 2018. The claimant, Madina Mohammed, participated. The employer, A. H. Management, L.P., participated through Nocona Mollendor, General Manager. Arabic/English interpreter Nabih (ID number 1171) assisted with the hearing.

**ISSUE:**

Did claimant voluntarily quit the employment with good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed part-time, most recently as a housekeeper, from November 23, 2015, until November 26, 2017, when she quit. Claimant did not tell anyone that she was quitting. She was a no-call/no-show after November 26, 2017, and she never returned to work. Claimant left her employment for three months to go to Sudan. When she returned, she was rehired at an hourly rate of \$10.00. Claimant then learned that some of her co-workers were earning \$10.50 per hour. Mollendor explained that claimant received a 70 cent raise shortly before departing for Sudan. Therefore, she was not due for another raise when her co-workers received raises to earn beyond \$10.00 per hour.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant's separation was without good cause attributable to the employer. Benefits are withheld.

Iowa Code §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.

Iowa Admin. Code r. 871-24.25 provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(13) The claimant left because of dissatisfaction with the wages but knew the rate of pay when hired.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). Here, the average person in claimant's situation would not have felt similarly compelled to end her employment under the circumstances. A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). Claimant stopped reporting to work, and she intended to quit her job due to dissatisfaction with her hourly wage. Claimant's decision to end her employment was without good cause attributable to the employer. Benefits are withheld.

#### **DECISION:**

The January 16, 2018, (reference 01) unemployment insurance decision is affirmed. Claimant separated from employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Elizabeth A. Johnson  
Administrative Law Judge

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Decision Dated and Mailed

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