

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

PAMELA I GILLIAM
Claimant

ADVENTURE LANDS OF AMERICA INC
Employer

APPEAL 15A-UI-03684-JCT
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 02/22/15
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the March 16, 2015, (reference 01) unemployment insurance decision that denied benefits based upon separation. The parties were properly notified about the hearing. A telephone hearing was held on April 21, 2015. The claimant participated. The employer participated through Joe Palansky.

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: The claimant was employed full-time as a front desk worker and was separated from employment on January 19, 2015, when she voluntarily resigned without notice. Continuing work was available.

When hired in early 2014, the claimant informed her employer that she wanted a higher rate of pay. The employer explained to the claimant that raises were given once a year. The claimant did not complete a year of employment to be eligible, and no promise of a raise was made to the claimant either verbally or in writing by the employer.

On the final day of the employment, the claimant and her co-workers were presented copies of a new attendance point system policy. The policy introduced the employees to an attendance system that designated points for absences, and awarded employees who did not accrue points. The claimant was upset by the policy and didn't feel she should sign a policy and make promises on her end if her employer didn't treat her well. The claimant elected not to sign the employer's new attendance and subsequently resigned without notice.

REASONING AND CONCLUSIONS OF LAW:

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

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(13), (21) 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 § 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 § 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.

(21) The claimant left because of dissatisfaction with the work environment.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). 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).

The administrative law judge is persuaded the claimant may have wanted a raise for additional wages but was never promised verbally, or in writing, that she would receive one. The claimant's decision to quit when she did not agree with the employer about its new attendance policy may have been personally compelling, but was not for a good cause reason attributable to the employer. Benefits are denied.

DECISION:

The March 16, 2015, (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left the 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.

Jennifer L. Coe
Administrative Law Judge

Decision Dated and Mailed

jlcpjs