

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

LEON P HEROLD

Claimant

APPEAL NO. 18A-UI-11920-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

GOOD FELLAS GARAGE LLC

Employer

OC: 11/18/18

Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated December 3, 2018, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on December 31, 2018. Claimant participated. Employer participated by Jason Fish. Claimant's Exhibits A and B were admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on November 1, 2018. Claimant voluntarily quit his job on that date when he did not get the raise he'd requested.

Claimant worked as a body specialist and frame repairer for employer. Claimant earned \$23.00 an hour. On October 30, 2018, claimant stated that he needed a pay raise to \$28.00 / hour effective on the check he was about to receive. Employer told claimant that he could not give claimant the raise. Claimant stated that he was going to quit if he didn't get the raise.

On November 2, 2018, claimant's wife sent an insulting text to employer, stating how happy she was for claimant to get away from employer as soon as possible. Employer responded that claimant's resignation was accepted as of November 1, 2018 - the last day of the most recent pay period – but that claimant could continue working as a subcontractor and being personally paid by employer.

Claimant did come into work for the next couple of weeks. At the end of that period, employer gave claimant a personal check to cover the hours worked. Claimant was very upset with receiving this form of pay.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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) 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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he wasn't given his requested pay increase.

Initially, claimant was well within his rights to ask for additional pay. Employer was within his rights to deny said pay increase request. Claimant was within his rights to have issued the request along with a threat of a quit. Employer, on November 2, 2018, made an unequivocal statement to claimant that his quit was accepted and that claimant could continue to work as an independent contractor. Claimant did not go to employer and argue that he hadn't quit. This shows that claimant was not disputing the fact that he'd just quit. Claimant then went in and worked the next two weeks, and employer paid claimant according to the framework he'd set out in his text of November 2, 2018.

DECISION:

The decision of the representative dated December 3, 2018, reference 01, 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.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn