

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEFFREY L SKOW
Claimant

APPEAL NO: 11A-UI-16176-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MILES WELLMAN CONSTRUCTION INC
Employer

**OC: 11/13/11
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Jeffrey L. Skow (claimant) appealed a representative's December 16, 2011 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment with Miles Wellman Construction, Inc. (employer). The hearing had previously been scheduled for January 12, 2012, but upon a January 6 request by the claimant that the hearing be rescheduled for a Friday, new hearing notices were mailed to the parties' last-known addresses of record and a telephone hearing was held on Friday, February 3, 2012. However, when the administrative law judge called that number previously provided for the claimant, he was not available; therefore, he did not participate in the hearing. Miles Wellman appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

OUTCOME:

Affirmed. Benefits denied.

FINDINGS OF FACT:

The claimant started working for the employer on August 4, 2011. He worked full time as a general laborer in the employer's commercial and residential construction business. His last day of work was November 9, 2011. On November 10 or November 11, the claimant called the employer and indicated that he was not earning enough money. When hired, the employer had offered and the claimant had accepted \$12.50 per hour. After two weeks, the claimant had requested an increase, and the employer had agreed and raised his pay to \$15.00 per hour. On or about November 4 the claimant had again asked for a raise, and the employer had agreed to pay him \$16.00 per hour. When he called on November 10 or November 11 and again asked for more money, the employer declined, so the claimant told the employer that he quit.

Continued work was available for the claimant had he not quit; the employer had to find a replacement for a work project on which the crew was working the week of November 14.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit his employment, he is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1. Rule 871 IAC 24.25 provides that, 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. A person who quits his most recent employment without good cause attributable to the employer must be disqualified from benefits even if that person would otherwise have been eligible for unemployment insurance benefits based on wages from employers prior to the most recent employment. *Taylor v. Iowa Department of Job Service*, 362 N.W.2d 534 (Iowa 1985). A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. *Bartelt v. Employment Appeal Board*, 494 N.W.2d 684 (Iowa 1993); *Wills v. Employment Appeal Board*, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless he voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. Quitting because of a dissatisfaction with a wage, where there had been no reduction in the wage from that agreed to by the claimant in accepting the job, is not good cause. 871 IAC 24.25(13). The claimant has not satisfied his burden. Benefits are denied.

DECISION:

The representative's December 16, 2011 decision (reference 01) is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. As of November 10, 2011, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs