

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARK A LAWSON

Claimant

APPEAL NO. 12A-UI-07273-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

MIDAS AUTO SYSTEMS EXPERTS

Employer

OC: 05/20/12

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(13) – Dissatisfaction with Wages

STATEMENT OF THE CASE:

The claimant appealed a department representative's decision dated June 15, 2012, reference 02, that held he voluntarily quit with good cause on May 18, 2012, and benefits are denied. A hearing was held on July 12, 2012. The claimant participated. Steve Webb, regional supervisor, participated for the employer.

ISSUE:

The issue is whether the claimant voluntary quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered the evidence in the record, finds that: The claimant started work as a full-time mechanic on March 15, 2012. He was guaranteed a day rate of \$95 against his hourly work rate of \$31 an hour. His weekly benefit amount is \$385.

Claimant last worked about May 16 or 17, 2012. He told his manager he was quitting because he was not making enough money. He had been taking home around \$230 to \$250 a week and it had dropped to around \$195 or \$200. The regional manager noted claimant's shop was one of best revenue producing in his region, though business had declined about 6 percent from the previous year. The employer confirmed claimant's decision to quit on May 18.

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.

871 IAC 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 concludes that the claimant voluntarily quit without good cause attributable to his employer on May 18, 2012, due to dissatisfaction with his wages.

The claimant suffered only a modest reduction in his earnings than what he had been making and, by quitting, chose unemployment that would pay him \$385 a week rather than remain employed. Given economic circumstances, the work slowdown, is understandable and not the fault of the employer.

DECISION:

The decision of the department representative dated June 15, 2012, reference 02, is affirmed. The claimant voluntarily quit without good cause attributable to the employer effective May 18, 2012. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw