

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

LAVERNE E MARTIN
1127 TOWER COURT
IOWA CITY IA 52246

MEHMEN BUILDING INC
15 COUGAR PLACE
NORTH LIBERTY IA 52317

Appeal Number: 04A-UI-00099-BT
OC: 12/14/03 R: 03
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Laverne Martin (claimant) appealed an unemployment insurance decision dated December 26, 2003, reference 01, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Mehmen Building, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 27, 2004. The claimant participated in the hearing. The employer participated through owner Jeff Mehmen.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time framer from October 2002 through August 2003. The claimant quit his employment because he was going to lose his driver's license and was not making enough money. The claimant was required to have a valid driver's license for his job and he would not have transportation without it. He was hired at \$11.00 per hour and was not going to get a raise at the time he quit. He went to work for another employer after he quit but was paid as an independent contractor.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits.

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.

The claimant voluntarily quit at the end of August 2003. He bears the burden of proving that the voluntary quit was for a good reason that would not disqualify him. Iowa Code Section 96.6-2. The claimant quit his employment because he was going to lose his driver's license and was not making enough money. His driver's license, which was a requirement of his job, was going to be suspended and he had no means of transportation to work without it. He was hired at \$11.00 per hour and he quit after he found out he was not going to get a raise. The employer indicated the claimant's skills were not what the employer was led to believe they were, which is why he was not going to get a raise at that time. The claimant subsequently worked for a different employer as an independent contractor. The claimant's loss of his driver's license was solely due to the claimant's actions and has nothing to do with the employer. Furthermore, the claimant was not guaranteed a raise on a certain date and since the raise was based on the claimant's abilities as a framer, this too is a result of the claimant's actions. The evidence confirms the claimant's voluntary quit was without good cause attributable to the employer. Benefits are denied.

DECISION:

The unemployment insurance decision dated December 26, 2003, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount provided he is otherwise eligible.

sdb/kjf