

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

EDWIN GARCIA
Claimant

APPEAL NO. 07A-UI-08524-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CRST INC
Employer

OC: 08/05/07 R: 12
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Edwin Garcia filed an appeal from a representative's decision dated August 28, 2007, reference 01, which denied benefits based on his separation from CRST, Inc. After due notice was issued, a hearing was held by telephone on September 24, 2007. Mr. Garcia participated personally and offered additional testimony from Patricia Garcia. The employer participated by Sandy Matt, Human Resources Specialist, and Scott Comer, Fleet Manager.

ISSUE:

At issue in this matter is whether Mr. Garcia was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Garcia's last period of employment with CRST, Inc. began September 28, 2006. He and his wife were hired to work as an over-the-road team. Mrs. Garcia sustained a work-related injury on January 17, 2007. In order to retain the employment, Mr. Garcia accepted a student to work with him as a team. Mr. Garcia quit the employment on February 18, 2007 because the dispatcher would not approve a pay advance.

Mr. Garcia was to be paid every Tuesday and Thursday. He had to have his paperwork in by the prior Friday in order to receive pay on Tuesday and by the prior Monday to receive pay on Thursday. Mr. Garcia had periodic disputes with the employer concerning his pay. He believed his per-mile pay should have been higher based on his experience. He was directed to speak to the payroll department concerning any pay disputes. Towards the end of the employment, the employer did discover that an error had been made in computing his pay and corrections were made. Mr. Garcia never indicated he intended to quit because of pay disputes.

Mr. Garcia also quit because of the student he was assigned. He felt the individual was unsatisfactory but never advised the employer of his concerns. Mr. Garcia learned after his separation that his driver's license had been under suspension since October due to unpaid child support. It was his belief that the employer was deducting child support from his pay and

forwarding it to the appropriate office. Continued work would have been available if Mr. Garcia had not quit.

REASONING AND CONCLUSIONS OF LAW:

An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). The primary reason given by Mr. Garcia for quitting was his belief that he was shorted pay. He did not have any records to establish that he had been underpaid. He had the opportunity to speak to the payroll department each time he disputed his pay. For the most part, he was told by the payroll department that his pay was based on the correct per-mile pay. When an error was discovered, his pay was adjusted.

The employer had no reason to believe Mr. Garcia was not satisfied with the explanations given him by the payroll department each time he disputed his pay. He never put the employer on notice that he intended to quit over the pay issue. Therefore, he deprived the employer of the opportunity to have someone other than the payroll department investigate his concerns and possibly resolve them. Moreover, Mr. Garcia did not provide any records to establish the amounts he was paid and the amounts he felt he should have been paid.

Mr. Garcia also had complaints about the student driver assigned to him. However, he never advised the employer that there were problems with the driver. Therefore, the employer had no opportunity to address his concerns. There may have been a problem with his child support payments, causing his driver's license to be suspended. However, he did not learn of any possible problems until after he quit. Therefore, any problems with his child support or his license could not have played a part in the decision to quit. Mr. Garcia never advised the employer that there were any work-related problems that needed to be resolved in order for him to remain in the employment. The administrative law judge concludes that the evidence failed to establish good cause attributable to the employer for the quit. Accordingly, benefits are denied.

DECISION:

The representative's decision dated August 28, 2007, reference 01, is hereby affirmed. Mr. Garcia voluntarily quit his employment with CRST, Inc. for no good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

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