

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

FRED A MOORMAN
Claimant

APPEAL NO. 12A-UI-06475-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EUGENE HISKEY
VEH ENTERPRISES
Employer

OC: 04/01/12
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed a timely appeal from a representative's decision dated May 29, 2012, reference 01, which denied unemployment insurance benefits. After due notice was provided, a hearing was held on June 26, 2012. Claimant participated. The employer participated by Eugene Hiskey, Company Owner. Claimant's Exhibit One was received into evidence.

ISSUE:

The issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered all of the evidence in the record, the administrative law judge finds: Fred Moorman was employed by VEH Enterprises from July 2011 until March 21, 2012 when he voluntarily quit employment without advance notice. Mr. Moorman was initially employed as a full-time appliance repair person but subsequently was employed part time as Mr. Moorman did not make himself available for all working hours available. Claimant's immediate supervisor was Eugene Hiskey, the company owner.

On March 8, 2012, VEH Enterprises issued the claimant a paycheck in the amount of \$613.91. As soon as the employer determined that there was a problem with sufficient funds to cover the check, the company immediately notified Mr. Moorman and made arrangements to reimburse the claimant fully. The claimant was fully reimbursed for the paycheck amount plus all other costs that Mr. Moorman had submitted to the company as being costs to him associated with the insufficient funds check. Although the pay issue had been resolved and the claimant had brought no further outstanding bills to the attention of the employer, Mr. Moorman nonetheless chose to leave employment without notice on March 21, 2012.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the evidence in the record establishes good cause attributable to the employer for leaving employment on March 21, 2012. It does not.

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 has the burden of proof in this matter. See Iowa Code section 96.6(2). An individual who voluntarily leaves their employment must first give notice to the employer of the reason for quitting in order to give the employer an opportunity to address or resolve the complaint. Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993). An employee who receives reasonable expectation of assistance from the employer after complaining about working conditions must complain further if the conditions persist in order to preserve eligibility for benefits. Polley v. Gopher Bearing Company, 478 N.W.2d 775 (Minn. App. 1991).

Inasmuch as the evidence in the record establishes that VEH Enterprises had fully repaid Mr. Moorman for any and all costs associated with a previous insufficient funds check and there had been no further insufficient funds checks or issues brought to the attention of the employer, the administrative law judge concludes that the claimant left employment without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's decision dated May 29, 2012, reference 01, is affirmed. Claimant left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount and meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs