IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS

LISA L BUTRICK
Claimant

PUTMAN INC
Employer

APPEAL NO. 14A-UI-07897-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/22/14
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated July 23, 2014, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on August 21, 2014. Claimant participated, and had witness Teri Bauer. Employer participated by Amy Schaefer.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on April 15, 2014. Claimant worked as a CNA at various hospitals where placed by employer. Claimant's contract for hire did not state a specific amount of wages that claimant was to be paid. Claimant worked primarily at Mercy hospital, working the overnight shift as it allowed her to be paid more money.

Claimant was upset when money she received for her work was reduced. Employer states that all employees were informed of the reduction in wages, but claimant disputes knowing about this. Claimant had an ongoing dispute with employer of whether she had been shorted on her wages. On April 30, 2014 claimant and employer had an extended and heated discussion over these wages. The conversation ended with claimant threatening to pursue other legal options to receive her money, and hanging up on employer. Employer stated that claimant said, "I'm done with your company" before hanging up the phone. Claimant stated that she never quit her job, and she filed for unemployment because of reduced hours. Claimant admitted that nowhere on the contract of hire was there a mention as to any minimum number of hours guaranteed.

Claimant, who had normally received temporary job opportunities on a consistent basis from employer did not receive any more appointments. (She may have received one out-of-town opportunity, but was not sure). Claimant stated that she did not call up employer at any time over the next three weeks to ask about job opportunities. She could not explain why she did not

call, as this was different from her normal mode of operation – calling very frequently to secure placements.

Claimant next called employer on May 23, 2014 to ask about her back pay. When claimant called, she did not ask about another work assignment. Claimant offered no explanation why she did not ask at this time either.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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.

Claimant's testimony that she did not quit her employment, and just filed for unemployment because of reduced hours does not make sense. If claimant had reduced hours, it would be natural for her to call employer to attempt to get more hours. But claimant went over three weeks without contacting employer. Those are the actions of a person who has quit her job. When claimant called employer three weeks later, it was not for new work, but rather regarding the ongoing pay dispute.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of her disappointment with her rate of pay being changed.

DECISION:

The decision of the representative dated July 23, 2014, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

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Blair A. Bennett
Administrative Law Judge

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Decision Dated and Mailed

bab/css