

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOHN T WHITE
Claimant

APPEAL NO. 10A-UI-01449-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GMRI INC
Employer

OC: 12/20/09
Claimant: Respondent (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated January 14, 2010, reference 01, that concluded the claimant voluntarily quit employment with good cause attributable to the employer. A telephone hearing was held on March 8, 2010. The parties were properly notified about the hearing. The claimant participated in the hearing. Brad Lybbert participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked for the employer as a kitchen production worker from February 2000 to December 17, 2009.

The claimant voluntarily quit employment because he was regularly paid 50 cents per hour less than his established rate of pay when he worked on Mondays and he was given three days of work during the week of December 21, 2009, while a new employee was given five days of work. The claimant had repeatedly complained to management about being shorted on his pay and hours. His supervisor told him that he would be reimbursed for the pay owed to him, but he was never compensated for the pay he was owed.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code section 96.5-1.

One of the basic duties an employer has is to pay its employees the agreed upon rate of pay. I conclude the employer created intolerable working conditions by failing to compensate the claimant at his established rate of pay. He complained about this repeatedly, but nothing was done to correct the situation and in fact the employer continued to pay the claimant at less than his established rate of pay for Monday work.

DECISION:

The unemployment insurance decision dated January 14, 2010, reference 01, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs