

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANGELA M BALENSIEFEN
Claimant

APPEAL NO. 06A-UI-10041-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

I T W C
Employer

OC: 09/03/06 R: 03
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated October 9, 2006, reference 03, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on October 30, 2006. Claimant participated. Employer participated by Amy Holland, Director of Administration.

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 August 28, 2006. Claimant quit due to dissatisfaction with the work environment. Claimant was also promised a 25 cent an hour pay raise after three months. Claimant's raise came after almost nine months. Claimant was not granted her pay raise as the raise she received was a cost of living increase.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of a breach in the contract of hire. The failure to receive a pay raise when promised is a breach in the employer's duty. This is cause attributable to employer for a quit. Benefits allowed. The quit due to dissatisfaction is a quit without cause. However claimant needed only prove one reason for the quit that is cause attributable to employer. Benefits allowed.

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.

DECISION:

The decision of the representative dated October 9, 2006, reference 03, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/cs