

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARVIN T HILL**  
Claimant

**APPEAL NO. 07A-UI-05562-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CONTRACT TRANSPORT INC**  
Employer

**OC: 05/06/07 R: 02  
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Marvin Hill filed an appeal from a representative's decision dated May 22, 2007, reference 01, which denied benefits based on his separation from Contract Transport, Inc. After due notice was issued, a hearing was held by telephone on June 20, 2007. Mr. Hill participated personally. The employer participated by Alan Bergman, Human Resources, and Jeane Nible, Corporate Treasurer.

**ISSUE:**

At issue in this matter is whether Mr. Hill 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. Hill was employed by Contract Transport, Inc. from February 6 until April 16, 2007 as an over-the-road driver. He quit the employment but did not advise the employer of his decision. He quit because he felt the work was irregular and because he did not feel he was earning enough.

Mr. Hill was told at the time of hire that his pay would be based on a pre-set amount for each trip. The employer provides written information as to the flat rate for each run. Mr. Hill bid on a particular job that paid an hourly rate but was not awarded the bid. During the first week of April, he was asked to fill in for the individual who was awarded the bid and agreed to do so. He worked four or five days during each of the two weeks he worked on the bid job. Mr. Hill did not notify the employer of any work-related problems that might cause him to quit. After his separation, he received a paycheck for his work in April. He felt the pay was less than the hourly rate the bid job was to pay. Continued work would have been available if Mr. Hill 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). Mr. Hill quit because he felt the work was irregular and because of the wages. He did not believe he was being paid the correct hourly rate for the bid work he was doing in April. However, he did not receive the paycheck for that period until after he quit. Therefore, the issue of his pay for April could not have formed the basis of his decision to quit as he did not learn of the issue until after he quit.

On the evidence presented, the administrative law judge cannot conclude that the work was irregular. Moreover, Mr. Hill did not put the employer on notice of the problem so as to give the employer an opportunity to make changes, if necessary. Mr. Hill quit by discontinuing reporting for further work. Since he had not raised any issues with the employer before quitting, the employer had no reason to believe there were matters that needed to be resolved in order for Mr. Hill to remain in the employment. Inasmuch as the employer was not given a reasonable opportunity to salvage the employment relationship, it is concluded that the separation was not for good cause attributable to the employer. Accordingly, benefits are denied.

**DECISION:**

The representative's decision dated May 22, 2007, reference 01, is hereby affirmed. Mr. Hill voluntarily quit his employment 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

cfc/pjs