

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DEREK HALSNE**  
Claimant

**APPEAL NO: 13A-UI-03171-B**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MASTERSON PERSONNEL INC**  
Employer

**OC: 01/13/13**  
**Claimant: Appellant (1)**

Iowa Code § 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Derek Halsne (claimant) appealed an unemployment insurance decision dated March 7, 2013, reference 04, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Masterson Personnel, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a hearing was held in Mason City, Iowa on May 6, 2013. The claimant participated in the hearing. The employer participated through Pat Walker, Branch Manager and Jim Robertson, Unemployment Operations Manager, participated by telephone. Employer's Exhibits One and Two were admitted into evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a temporary employee in March 2010 but most recently worked in an assignment at Iowa Mold Tool from August 13, 2012 through January 16, 2013. He filed for unemployment insurance benefits effective January 13, 2013 and received the Facts About Unemployment Insurance 2012-2013 guidebook.

On January 29, 2013, the employer offered the claimant a day-time assignment with Aeron which paid \$7.35 per hour and the claimant accepted. He began working at Aeron on January 30, 2013 but quit on February 1, 2013. The claimant told the employer he quit because he wanted an assignment with fewer hours so he could complete his GED classes. He testified he quit because he learned he did not have to accept work that paid less than 100 percent of the hourly wage at his last job if the job was offered within six weeks of filing his most recent unemployment claim.

The claimant learned this from his father and went to speak to a representative at Iowa Workforce who verified the information. He testified he was last paid a rate of \$11.81 per hour but Iowa Workforce records confirm his average weekly wage is \$453.82, which is \$8.85 per hour when divided by 40 work hours.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits. He is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

The claimant voluntarily quit on February 1, 2013 because he wanted to go to school and because he was not satisfied with the wages, even though he knew the rate of pay before accepting the assignment. The law presumes it is a quit without good cause attributable to the employer when an employee leaves to attend school and/or because of dissatisfaction with the wages when he knew the rate of pay at the time of hire. 871 IAC 24.25(26) and (13). The claimant had all the applicable information regarding unemployment insurance claims prior to accepting the assignment at the end of January 2013 but simply failed to read it. The code section to which he refers, addresses an employee's failure to accept work and whether or not the work is suitable. See Iowa Code § 96.5-3-a. In the case herein, the claimant had already accepted the job offer and the voluntary quit is therefore governed by the above mentioned section in the Iowa Administrative Code.

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. He has not satisfied that burden and benefits are denied.

**DECISION:**

The unemployment insurance decision dated March 7, 2013, reference 04, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/pjs

**NOTE TO EMPLOYER:**

If you wish to change your mailing address of record please access your account at:

<https://www.myiowalui.org/UITIPTaxWeb/>.

Helpful information about using this site may be found at:

<http://www.iowaworkforce.org/ui/uiemployers.htm> and

<http://www.youtube.com/watch?v= mpCM8FGQoY>