

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RICHARD L FISHER**  
Claimant

**APPEAL NO. 08A-UI-01571-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DES STAFFING SERVICES INC**  
Employer

**OC: 01-06-08 R: 02**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the February 8, 2008, reference 02, decision that denied benefits. After due notice was issued, a hearing was held on March 3, 2008. The claimant did participate. The employer did participate through (representative) Amy McGregor, Human Resources Manager and Shane Sorensen, Divisional Manager.

**ISSUE:**

Did the claimant voluntarily quit his employment with good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds:

The claimant was last assigned to work as a laborer at Bell Automotive beginning on December 10, 2007 through December 27, 2007 when he voluntarily quit. The claimant did not show up for work again at Bell Automotive after December 27, 2007 nor did he call in to report he would not be coming back to work.

The claimant quit working because he believed that the employer, DES Staffing, had shorted him eight hours of pay that he earned from Bell Automotive. The claimant complained to Shane Sorensen that he believed he had been shorted eight hours of pay from Bell Automotive. Mr. Sorensen immediately investigated the claimant's allegation by contacting Bell Automotive and requested copies of all the claimant's timecards. Mr. Sorensen showed those timecards to the claimant in comparison with his paychecks which indicated that the claimant had in fact been paid for all hours worked at Bell Automotive.

On Thursday February 28, 2008, the claimant finally brought it to Mr. Sorensen's attention that he now thought he had not been paid for all hours he worked at a one-day assignment for Corrugated Solutions on December 7, 2007. DES Staffing had no record of the claimant turning in a timecard from Corrugated Solutions or he would have been paid. On Thursday, February 28, 2008, Mr. Sorensen immediately contacted Corrugated Solutions to find out if they

had record of the claimant working for them on December 7, 2007. When Corrugated Solutions indicated that the claimant had worked for them on December 7, 2007 and the claimant turned in a copy of his timecard on February 28, 2008, he was paid all wages due him on February 29, 2008. Until February 28, the employer, DES Staffing, had no timecard from the claimant for Corrugated Solutions nor did they have any indication from the claimant that it was work at Corrugated Solutions for which he had not been paid. Prior to that time the claimant had maintained that he had been shorted pay from Bell Automotive which was not correct.

## **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment without good cause attributable to the employer.

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.

871 IAC 24.25(13) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code § 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code § 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(13) The claimant left because of dissatisfaction with the wages but knew the rate of pay when hired.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2).

The administrative law judge does not doubt that failure to be paid for hours worked would normally be good cause attributable to the employer for leaving employment. However, the claimant did not turn in the timecard for Corrugated Solutions as he was required to do so. In addition to that, the claimant told the employer, DES Staffing, that it was Bell Automotive that had shorted him wages. The employer investigated each and every allegation the claimant made in a timely, almost immediate manner. It was the claimant's misinformation to DES Staffing about working at Corrugated Solutions and his failure to turn in a timecard for that assignment that led to the nonpayment. When the claimant finally brought to the employer's attention on February 28, 2008, after the fact-finding interview and two months after quitting Bell Automotive, that it was Corrugated Solutions for which he had not been paid, the employer investigated and made payment when it was clear that the claimant had not been paid due to his own failure to turn in a timecard. The administrative law judge cannot under these circumstances find that the employer created good cause for the claimant quitting his assignment at Bell Automotive. The claimant was paid for every hour worked at Bell Automotive and had not been shorted any pay. The failure to pay the claimant for the one-day assignment

at Corrugated Solutions was because the claimant did not turn in a timecard and did not tell DES Staffing that it was the Corrugated Solutions assignment for which he had not been paid. The claimant's decision to quit under these circumstances was not good cause attributable to the employer. Benefits are denied.

**DECISION:**

The February 8, 2008, reference 02, decision is affirmed. The claimant voluntarily left his employment without 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 benefit amount, provided he is otherwise eligible.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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