

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DAVID N HALE**  
Claimant

**APPEAL NO. 07A-UI-04074-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CORRIDOR CONVENIENCE INC**  
Employer

**OC: 04/01/07 R: 03  
Claimant: Respondent (2)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Corridor Convenience, Inc. (employer) appealed a representative's April 16, 2007 decision (reference 01) that concluded David N. Hale (claimant) was qualified to receive unemployment insurance benefits, and the employer's account could be charged because the claimant voluntarily quit his employment for reasons that qualify him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 23, 2007. The claimant participated in the hearing. Lisa Goods and Lien Vu, the owner, appeared on the employer's behalf. 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:**

Did the claimant voluntarily quit his employment for reasons that qualify him to receive unemployment insurance benefits?

**FINDINGS OF FACT:**

The claimant started working for the employer in January 2007. At the time of hire, the employer gave the claimant paperwork to read and then sign. The claimant signed the paperwork which informed him of the deductions the employer would take from his paychecks. The deductions included charges made by the claimant; drive offs, and cash shortages. The employer's policy also informed employees that if they sold cigarettes to an underage person and law enforcement officials cited the employer and employee for this offense, the resulting fine would be deducted from the employee's paycheck. The employer allowed the claimant to take the paperwork home to read before he signed the documents. The claimant returned the paperwork signed, but he did not read the paperwork.

The employer paid employees every two weeks. The employer gave employees two pay stubs. The first one showed the gross amount with the necessary state and federal tax deductions. The second pay stub showed the in-store deductions the employer made – charges, drive offs and cash register shortages. The claimant did not agree and like the fact that the employer deducted the in-store charges.

The employer reviews the security camera on a regular basis. In February, the employer saw the claimant take a carton of cigarettes. The employer went through the cash register journal and found no evidence the claimant paid for the cigarettes. There was no record the claimant charged the cigarettes. Although the claimant asserted he had paid for the cigarettes, he paid the amount the employer indicated he owed for the carton of cigarettes again after the employer talked to him about this matter and the claimant could not produce a receipt.

After the claimant sold tobacco products to a minor and law enforcement officials cited him for this infraction in early March, the claimant informed the employer he was quitting in two weeks. The employer understood the claimant quit because he knew the employer would deduct the fine for selling tobacco products to a minor from his paycheck. The claimant asserted he quit because he was tired of the employer taking in-store deductions from his paycheck. The claimant worked until the end of his two-week notice or until March 22, 2007.

The claimant established a claim for unemployment insurance benefits during the week of April 1, 2007. The claimant has not filed any weekly claims.

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

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment for reasons that do not qualify him to receive unemployment insurance benefits. Iowa Code § 96.5-1. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive unemployment insurance benefits. Iowa Code § 96.6-2.

While the claimant may not have liked the employer deducting the cash register shortages and drive offs from his paycheck, the employer informed the claimant of this practice before he began working. The claimant's assertion that he did not read the paperwork even though he signed the paperwork does not establish that he quit for reasons that qualify him to receive unemployment insurance benefits. Since the employer informed him of this policy before he began working, the claimant accepted the terms of his employment by working for the employer.

The claimant also asserted the employer required him to pay for a carton of cigarettes two times. The evidence does not support this assertion. If the claimant paid for the cigarettes, there should have been a journal of this transaction on the register and there was not.

The claimant had compelling personal reasons for quitting. These reasons do not, however, qualify the claimant to receive unemployment insurance benefits. As of April 1, 2007, the claimant is not qualified to receive unemployment insurance benefits.

#### **DECISION:**

The representative's April 16, 2007 decision (reference 01) is reversed. The claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of

April 1, 2007. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

---

Debra L. Wise  
Administrative Law Judge

---

Decision Dated and Mailed

dlw/css