

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HARLEY R URBATSCH
Claimant

APPEAL NO. 17A-UI-00374-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALL STATES AG PARTS INC
Employer

OC: 11/27/16
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Harley Urbatsch (claimant) appealed a representative's December 30, 2016, decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with All States AG Parts (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for February 2, 2017. The claimant participated personally. The employer participated by Robert Koren, Distribution Manager, and Bonnie Clough, Human Resources Administrator.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

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 hired on February 29, 2016, as a full-time warehouse worker. At the time the claimant got the call and accepted employment, he understood he would be paid \$12.10 per hour. At the orientation the claimant thought the employer mentioned a \$1.00 to \$3.00 pay increase at the ninety-day mark. The claimant had his ninety-day and six-month evaluation. At both he asked the employer about a pay increase. The employer told him that pay increases were given out for merit each February.

Later, the claimant asked if he could work part-time. The claimant wanted to work part-time to search for other employment. The employer did not have any part-time work available until November 14, 2016. The claimant became a part-time worker on November 14, 2016. On November 21, 2016, the claimant told the employer he was quitting because he could not work for that amount of pay. Continued work was available had the claimant not resigned.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work 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.

Iowa Admin. Code r. 871-24.25(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 section 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 section 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.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intention to voluntarily leave work was evidenced by his words and actions. He told the employer he was quitting and walked off the job. When an employee quits work because he is dissatisfied with his wages and knew the rate of pay when hired, his leaving is without good cause attributable to the employer. The claimant left work because he wanted a raise even though he knew the hourly wage when he was hired. His leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's December 30, 2016, decision (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs