

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROGER D HALL
Claimant

APPEAL NO: 12A-UI-14641-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GRAY TRANSPORTATION INC
Employer

OC: 12/04/11
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's December 7, 2012 determination (reference 03) that disqualified him from receiving benefits and held the employer's account exempt from charge because he voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant participated in the hearing. Darin Gray, the president, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

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

FINDINGS OF FACT:

The claimant started working as a full-time mechanic on May 23, 2012. The employer paid him \$11.25 an hour. During his employment, the claimant received a warning for a safety issue for shaking a ladder when a co-worker was on the ladder. The employer may not have known the co-worker sprayed the claimant with a power washer before the claimant shook the ladder.

On November 13, 2012, Darin Gray talked to the claimant about lug nuts that were put on backwards. The claimant and another employee signed off on the order. The claimant did not know if he had made this mistake or the other employee made the mistake. While Gray talked to the claimant, he got the impression the claimant did not realize or care about the safety concerns when lug nuts were not put on correctly. As a result of this impression, Gray asked the claimant how much he made and how much he thought he was worth. The claimant told Gray that he was worth \$13 to \$15 an hour. Gray responded by telling the claimant that he thought he was only worth \$7 to \$8 an hour if he continued making mistakes. Gray also told the claimant that if he continued to make mistakes, he was not worth \$8 an hour to the employer. The two talked for 20 minutes about the claimant's worth to the employer and that the claimant could not afford to work for less than he made because he lived an hour from work.

After the claimant left Gray's office, he packed up his tools and walked off the job. Gray did not know the claimant was going to walk off the job. During the conversation Gray did not tell the claimant that his pay was reduced.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6(2).

The law presumes a claimant quits without good cause when he leaves after receiving a reprimand. 871 IAC 24.25(28). On November 13, the employer talked about the claimant's worth to the employer if the claimant continued making mistakes, such as putting lug nuts on backwards. The employer did not tell the claimant his hourly wage was going to be reduced. The claimant became upset after the employer told him he was not worth \$11.25 an hour or even \$8 an hour if he made mistakes. When the claimant left the office, he was upset about the discussion he had with the employer and walked off the job. The claimant quit on November 13 when he walked off the job. The claimant did not establish good cause for quitting. As of November 11, 2012, the claimant is not qualified to receive benefits.

DECISION:

The representative's December 7, 2012 determination (reference 03) is affirmed. The claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of November 11, 2012. 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/pjs