

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JACOB D MOTT
Claimant

APPEAL NO. 11A-UI-15251-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALEXS RESTRAUNT
Employer

OC: 10/30/11
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Jacob D. Mott filed a timely appeal from an unemployment insurance decision dated November 21, 2011, reference 01, that ruled he had voluntarily left employment with Alexs Restraunt without good cause attributable to the employer. After due notice was issued, a telephone hearing was held December 21, 2011 with Mr. Mott participating. The employer provided the name and telephone number of a witness. The phone number went unanswered when called at the time of the hearing.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Jacob D. Mott was employed part time as a cashier by Alexs Restraunt from approximately September 11, 2011 until he resigned October 28, 2011 because he had not been paid. The restaurant has since closed, being unable to pay its bills.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the claimant left work with 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.

The evidence in the hearing establishes that Mr. Mott left work because of nonpayment of wages. The administrative law judge notes that the employer acknowledged as much during

the fact-finding interview. It is inconceivable that a resignation under these circumstances be considered to be without good cause attributable to the employer.

DECISION:

The unemployment insurance decision dated November 21, 2011, reference 01, is reversed. The claimant left employment with good cause attributable to the employer. He is entitled to receive unemployment insurance benefits, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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