

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**WILLIAM KRAMER**  
Claimant

**PREMIUM RETAIL SERVICES INC**  
Employer

**APPEAL 18A-UI-07922-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 07/02/17**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

William Kramer (claimant) filed an appeal from the July 16, 2018, reference 05, unemployment insurance decision that denied benefits based upon the determination he voluntarily quit employment with Premium Retail Services, Inc. (employer) for personal reasons, which is not a good cause attributable to the employer. The parties were properly notified about the hearing. A telephone hearing was held on August 28, 2018 and consolidated with the hearing for appeal 18A-UI-07923-SC-T. The claimant participated personally. The employer did not respond to the hearing notice and did not participate. The Claimant's Exhibit A was admitted into the record.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed part-time as a Field Representative beginning on April 26, 2018, and his last day worked was May 11, 2018. When the claimant was hired, he was told that he would need to have a smart phone, access to a computer, and transportation to the locations he would be servicing. He was also told that he would be paid per service order and not per hour worked. The claimant agreed to these terms and accepted the position.

On May 11, 2018, the claimant submitted a letter to the employer, which concluded, in part, "I am sharing my plan to discontinue work with Premium as a merchandising field representative." (Exhibit A) The claimant raised multiple issues in his letter. First, the claimant felt he had not been adequately compensated for expenditures related to office products. In order for the claimant's computer to work properly, he purchased optional security software and he made the decision to print out orders and emails from his computer rather than accessing the information on his smartphone which resulted in expenses related to printer toner and paper. Second, the claimant felt he was not being adequately compensated for the time he spent on each service order. He had spoken with his supervisor Ryan Vogel about getting additional compensation for the extra time he was spending on his service orders, but he never received additional

compensation. Finally, the claimant had experienced strain to his back due to the more physical aspects of the job. He did not seek treatment from a doctor to obtain advice or restrictions related to the injury.

Service orders remained available to the claimant through the employer's system through May 20, 2018. He told the employer that he did not have the financial resources to put gasoline in his car and he would only return to work and accept the service orders if they gave him money for gas. The claimant and employer have not had any contact since May 20, 2018.

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

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer. Benefits are denied.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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 provides, in relevant part:

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:

(1) The claimant's lack of transportation to the work site unless the employer had agreed to furnish transportation.

...

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

...

(27) The claimant left rather than perform the assigned work as instructed.

Iowa Admin. Code r. 871-24.26(6)b provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(6) Separation because of illness, injury, or pregnancy.

...

b. Employment related separation. The claimant was compelled to leave employment because of an illness, injury, or allergy condition that was attributable to the employment. Factors and circumstances directly connected with the employment which caused or aggravated the illness, injury, allergy, or disease to the employee which made it impossible for the employee to continue in employment because of serious danger to the employee's health may be held to be an involuntary termination of employment and constitute good cause attributable to the employer. The claimant will be eligible for benefits if compelled to leave employment as a result of an injury suffered on the job.

In order to be eligible under this paragraph "b" an individual must present competent evidence showing adequate health reasons to justify termination; before quitting have informed the employer of the work-related health problem and inform the employer that the individual intends to quit unless the problem is corrected or the individual is reasonably accommodated. Reasonable accommodation includes other comparable work which is not injurious to the claimant's health and for which the claimant must remain available.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). 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 submitted a document outlining his intent to voluntarily quit his employment in the position for which he was hired. He submitted that document on May 11, 2018, which was also the day he stopped performing work for the employer.

The claimant has argued he left work due to a work-related injury. However, the claimant did not obtain medical advice or seek reasonable accommodation from the employer before making the decision to quit. Therefore, his quit due to a medical condition is not for good cause attributable to the employer. Additionally, the claimant's decision to quit because he did not like the pay scale and did not have transportation to his work sites does not constitute good cause reason attributable to the employer. Benefits are denied.

**DECISION:**

The July 16, 2018, reference 05, unemployment insurance decision is affirmed. The claimant voluntarily left the 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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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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