

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHANNON L RILEY
Claimant

APPEAL NO. 11A-UI-01582-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S GENERAL STORES
Employer

OC: 01/02/11
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a representative's decision dated February 3, 2011, reference 01, which denied benefits based upon the claimant's separation from employment. After due notice was issued, a telephone hearing was held on March 9, 2011. The claimant participated personally. The employer participated by Ms. Brenda Pfaff, store manager.

ISSUE:

At issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Shannon Riley was employed by Casey's General Stores from July 2009 until January 7, 2011, when she voluntarily left employment. Ms. Riley worked as a part-time kitchen worker and was paid by the hour. Her immediate supervisor was Brenda Pfaff.

Ms. Riley left her employment with Casey's General Stores after a promised raise had been unreasonably delayed by the company. At the time of hire, Ms. Riley had been promised a potential increase in pay if her performance was good. The claimant's performance evaluation was delayed by a number of months. In October 2010 the claimant's work was evaluated and the claimant received a good rating and a promise of a 25 cent increase in pay per hour. Although Ms. Riley had been promised the pay increase by district management of the company, the pay raise was not forthcoming. During the period between October 2010 and January 7, 2011, Ms. Riley repeatedly made requests for the promised pay increase to her store manager as well as the district and corporate representatives. Although the claimant was repeatedly promised that the pay raise would be forthcoming, the pay raise did not take place. Ms. Riley gave the employer a final opportunity to comply with the work agreement. When the employer did not comply, she quit employment.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the evidence in the record establishes good cause attributable to the employer for leaving the employment. It does.

Iowa Code section 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.

871 IAC 24.26(1) 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:

(1) A change in the contract of hire. An employer's willful breach of contract of hire shall not be a disqualifiable issue. This would include any change that would jeopardize the worker's safety, health or morals. The change of contract of hire must be substantial in nature and could involve changes in working hours, shifts, remuneration, location of employment, drastic modification in type of work, etc. Minor changes in a worker's routine on the job would not constitute a change of contract of hire.

The evidence in the record establishes the claimant was unequivocally promised a pay increase based upon her successful work evaluation in October 2010. The evidence establishes the claimant made repeated requests for the promised pay increase but that the pay increase was not forthcoming. The claimant made a final request indicating that she would be quitting employment if the pay raise were not forthcoming. When the promised pay increase was not given by the employer as promised approximately three months previously, Ms. Riley left employment with good cause attributable to the employer.

Inasmuch as the claimant gave the employer numerous opportunities to resolve her complaints prior to leaving employment, the separation was with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

DECISION:

The representative's decision dated February 3, 2011, reference 01, is reversed. The claimant left employment with good cause attributable to the employer. Unemployment insurance benefits are allowed, provided the claimant meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw