

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KIRK W DEACKLAU
Claimant

APPEAL NO. 08A-UI-01552-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALL SEASONS ENTERPRISES
Employer

OC: 01/06/08 R: 02
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Kirk Deacklau filed an appeal from a representative's decision dated February 4, 2008, reference 03, which denied benefits based on his separation from All Seasons Enterprises. After due notice was issued, a hearing was held by telephone on March 3, 2008. Mr. Deacklau participated personally. The employer participated by Jack Vincent, Owner, and Jason Thomas, Shop Foreman.

ISSUE:

At issue in this matter is whether Mr. Deacklau was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Deacklau was employed by All Seasons Enterprises from May until July 25, 2007 as a full-time local truck driver. On July 25, he complained that the truck he was assigned was overloaded. He was told he could take another truck. Mr. Deacklau became upset and quit. He also indicated to the shop foreman that he was quitting because of an issue involving taxes being taken out of his pay. He had not put the employer on notice of any work-related problems the might cause him to quit. Continued work would have been available if Mr. Deacklau had not quit.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes from all of the evidence that Mr. Deacklau initiated his separation when he announced on or about July 25, 2007 that he was leaving the employment. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). It appears that part of the reason Mr. Deacklau quit was that the truck he was assigned had been overloaded. However, he had the opportunity to take a different truck if he did not want to wait until product was removed from the assigned vehicle.

It also appears that Mr. Deacklau quit because of some dispute with the employer regarding taxes being taken out of his pay. He did not present evidence of any erroneous deductions from his pay. He did not present evidence of any irregularities in his pay.

After considering all of the evidence, the administrative law judge concludes that good cause attributable to the employer has not been established. Accordingly, benefits are denied.

DECISION:

The representative's decision dated February 4, 2008, reference 03, is hereby affirmed. Mr. Deacklau quit his employment for no 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 job insurance benefit amount, provided he satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css