

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

LYNIAL M KILER  
PO BOX 125  
HAMILTON IA 50116

PELLA CORPORATION  
c/o TALX – UC EXPRESS  
P O BOX 1160  
COLUMBUS OH 43216-1160

Appeal Number: 06A-UI-01558-SWT  
OC: 01/01/06 R: 02  
Claimant: Appellant (1)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

---

(Administrative Law Judge)

---

(Decision Dated & Mailed)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated February 2, 2006, reference 02, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on February 27, 2006. The parties were properly notified about the hearing. The claimant participated in the hearing. Richard Carter participated in the hearing on behalf of the employer with witnesses, Bill Lehner, Nick Barrett, and Greg Kennedy.

FINDINGS OF FACT:

The claimant worked for the employer from April 18, 2005, to December 23, 2005. He was hired as a flexible employee at a rate of pay of \$10.50 per hour and worked primarily as a laborer in the lumber plant. When he was hired, he was informed that he would be eligible to

bid for full-time positions in the plant if he worked 120 days and had positive evaluations. As a full-time employee the claimant was entitled to a substantial raise and benefits.

The claimant met the eligibility criteria to bid for full-time positions in August 2005. He bid on about 14 jobs from August through December 2005, but never got any of the jobs he bid on. The claimant told his supervisor in October 2005 that he was going to have to look for another job that paid more. He was told to hang in there because there would be a maintenance position opening up in December, and his supervisors would be pulling for him to get the job.

The claimant applied for the maintenance job in December and received an interview for the job. Another employee, however, was hired for the job because he was more qualified. This upset the claimant because he believed he was being passed over for jobs for which he was qualified. One December 23, 2005, he informed a manager that he was tired of working as a flex employee doing the same work as full time employees but being paid substantially less. The manager allowed the claimant to leave work early and decide what he wanted to do over the weekend. The claimant was next scheduled to work on December 27, 28, and 29. He did not report for work because he did not think he was being treated fairly. The claimant was treated the same as any flexible worker under similar circumstances.

#### REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

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.

The claimant has not established good cause attributable to the employer for leaving employment. He was never promised a full-time job, only the ability to bid on full time job openings. His frustration with not getting the jobs he bid on is understandable, but there is no evidence that he was treated any differently than any other similarly-situated flexible factory worker or that some with lesser qualifications was hired for any of the jobs he bid on.

#### DECISION:

The unemployment insurance decision dated February 2, 2006, reference 02, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

saw/s