

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TRAVIS DAWDY
Claimant

APPEAL NO: 08A-UI-06305-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BROWN'S CREW CAR WY
Employer

OC: 12/23/07 R: 01
Claimant: Appellant (2)

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Travis Dawdy (claimant) appealed an unemployment insurance decision dated July 2, 2008, reference 03, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Brown's Crew Car Wyoming (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 23, 2008. The claimant participated in the hearing. The employer did not comply with the hearing notice instructions and did not call in to provide a telephone number at which a representative could be contacted, and therefore, did not participate. Based on the evidence, the arguments of the party, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time driver from April 27, 2008 through June 3, 2008. He understood at the time of hire that he would be paid \$8.00 per hour plus mileage of 18 cents. His first check was pretty good so he did not look at it very closely. When he received his second check, he realized that he was not getting his hourly wage. The claimant spoke to the employer who told him that he would only receive hourly pay if he was sitting and waiting. The claimant could not afford to work without receiving an hourly wage so he voluntarily quit.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits. He is not qualified to receive unemployment

insurance benefits if he voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

The claimant quit his employment after realizing that he was not getting an hourly wage when that was his understanding at the time of hire. He believed the employer was going to pay him \$8.00 per hour plus 18 cent per mile but the employer was only paying him for mileage. "Good cause" need not be based on fault or wrongdoing on the part of the employer, but may be attributable to the employment itself. Raffety v. Iowa Employment Security Commission, 76 N.W.2d 787 (Iowa 1956).

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. He has satisfied that burden and benefits are allowed.

The employer is not a base period employer and its account is not subject to any charges during the claimant's current benefit year. If the claimant establishes a subsequent benefit year, the wage credits he earned from April 27, 2008 through June 3, 2008., would be subject to charge since the claimant voluntarily quit his employment with good cause attributable to the employer.

DECISION:

The unemployment insurance decision dated July 2, 2008, reference 03, is reversed. The claimant voluntarily quit his employment with good cause attributable to the employer and is qualified to receive unemployment insurance benefits, provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs