

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBIN L CONNETT
Claimant

APPEAL NO. 10A-UI-10084-C

**ADMINISTRATIVE LAW JUDGE
DECISION**

LINK-UP ENTERPRISES INC
Employer

OC: 06/13/10
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Robin Connett filed an appeal from a representative's decision dated July 9, 2010, reference 01, which denied benefits based on her separation from Link-Up Enterprises, Inc. After due notice was issued, a hearing was held on August 23, 2010, in Des Moines, Iowa. The employer participated by Singo Sempambo, Program Manager. Ms. Connett did not appear for the hearing.

ISSUE:

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

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Connett was employed full time by Link-Up Enterprises, Inc. from October of 2008 until June 11, 2010. The employer provides transportation and in-home care to the elderly and the disabled. Ms. Connett was last employed primarily as a driver, but did have one client for whom she provided in-home services. She voluntarily quit the employment.

On June 11, 2010, which was a pay day, Ms. Connett was advised that her paycheck had been shorted three hours of overtime. She spoke to the program manager about the matter and was advised that a check would be provided for the shortage. He advised her that he was busy at the time but would get to it that day. Ms. Connett wanted the check immediately and, when it was not provided, quit. The employer planned to make up the shortage before she left for the day. She had afternoon routes to run and her workday was not yet over when she demanded to be paid for the shortage. The shortage amounted to approximately \$30.00. Continued work would have been available if she had not quit.

REASONING AND CONCLUSIONS OF LAW:

An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Connett quit her employment because the employer failed to pay her for three hours of overtime on her regular paycheck. The employer was aware of the shortage and did not at any point say she would not be paid for the three hours. Nor did the employer indicate she would have to wait until the next pay date to receive the payment.

An employer is required to pay all wages when due. Iowa Code section 91A.5. The failure to do so may constitute an unlawful working condition as contemplated by 871 IAC 24.26(3). Payment for the overtime hours that prompted Ms. Connett to quit was due on June 11. The employer did not intend to delay payment of the omitted overtime beyond the June 11 pay date. Inasmuch as the employer intended to pay the omitted wages on the due date and before the end of Ms. Connett's work shift, it was not in violation of the Iowa Wage Payment Collection Law. Since the evidence of record does not establish any other reason for the quit, benefits are denied.

DECISION:

The representative's decision dated July 9, 2010, reference 01, is hereby affirmed. Ms. Connett voluntarily quit her employment for no good cause attributable to the employer. Benefits are denied until she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw