

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MATTHEW W CAMPBELL**  
Claimant

**APPEAL NO. 13A-UI-13659-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WHANNEL'S HARDWARE**  
Employer

**OC: 11/10/13**  
**Claimant: Appellant (2)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Matthew Campbell (claimant) appealed a representative's December 6, 2013, decision (reference 02) that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with Whannel's Hardware (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for January 7, 2014. The claimant participated personally. The employer participated by Jay Whannel, Owner; Liz Whannel, Sales Associate/Human Resources Associate; and Jay Whannel, Jr., Manager.

**ISSUE:**

The issue is whether the claimant was separated from employment for any disqualifying reason.

**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 hired on July 22, 2013, as a full-time sales associate. The claimant agreed to work for \$300.00 per week base pay plus \$10.00 per sale of a phone and \$2.00 for the sale of insurance. The employer asked the claimant at the time of hire if he wanted his checks to be deposited in the bank for him. If so, the employer would put the check in the bank. The claimant wanted direct deposit and agreed. The claimant assumed he would receive a paystub but did not. He mentioned to the office manager twice that it would be nice to get a paystub. No stub was provided.

At the end of August 2013, the employer decided to change the claimant's rate of pay. The claimant was unsure of the rate change. He asked the employer about the rate change a few times but did not get a consistent answer. The claimant's income went up but he did not know why. The claimant told the employer in October 2013 and in November 2013, that he would like a paper check. The employer did not comply with the claimant's request. On November 6, 2013, the claimant quit work because he could not be sure he was being paid what he was owed or that the proper amount was being withheld.

**REASONING AND CONCLUSIONS OF LAW:**

For the following reasons the administrative law judge concludes the claimant voluntarily quit work with 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.

871 IAC 24.26(4) 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:

(4) The claimant left due to intolerable or detrimental working conditions.

The law presumes a claimant has left employment with good cause when he quits because of intolerable or detrimental working conditions. 871 IAC 24.26(4). The Iowa Supreme Court has stated that a notice of intent to quit is not required when the employee quits due to intolerable or detrimental working conditions. Hy-vee, Inc. v. Employment Appeal Board and Diyonda L. Avant, (No. 86/04-0762) (Iowa Sup. Ct. November 18, 2005). The claimant notified the employer of his request for paystubs and/or a paper check. The claimant subsequently quit due to the employer's failure to provide for the claimant's reasonable requests. Paystubs would be necessary for the claimant to prove his claim in any number of venues. The claimant is eligible to receive unemployment insurance benefits.

**DECISION:**

The representative's December 6, 2013, decision (reference 02) is reversed. The claimant voluntarily quit with good cause attributable to the employer. The claimant is eligible to receive unemployment insurance benefits.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/pjs

