

No. 1-10-2571

NOTICE: This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

| | | |
|---|---|---------------------------|
| MAGDALENA HANAFI, |) | Appeal from the |
| |) | Circuit Court of |
| Plaintiff-Appellant, |) | Cook County. |
| |) | |
| v. |) | |
| |) | No. 10 L 50831 |
| ILLINOIS DEPARTMENT OF EMPLOYMENT |) | |
| SECURITY; DIRECTOR OF ILLINOIS DEPARTMENT |) | |
| OF EMPLOYMENT SECURITY; BOARD OF |) | |
| REVIEW; and A & R SCREENING, LLC, |) | Honorable |
| |) | Elmer James Tolmaire III, |
| Defendants-Appellees. |) | Judge Presiding. |

PRESIDING JUSTICE HOFFMAN delivered the judgment of the court.
Justices Hall and Kamezis concurred in the judgment.

ORDER

¶ 1 *Held:* The Board of Review's decision that the plaintiff was disqualified from receiving unemployment benefits because she voluntarily left her employment was not clearly erroneous.

¶ 2 Plaintiff Magdalena Hanafi applied for unemployment benefits after she left employment as a quality control inspector for A&R Screening, LLC. A service representative for the Illinois Department of Employment Security (IDES) concluded that plaintiff was ineligible for benefits. Plaintiff appealed. Following a telephone hearing, the referee affirmed, finding that plaintiff left

work voluntarily without good cause attributable to the employing unit, as "she quit because the employer refused to give her a raise." The Board of Review of IDES (Board) affirmed based on a finding that the referee's decision was supported by the record and the law, and the circuit court affirmed the Board's decision. Plaintiff timely filed a *pro se* appeal. We affirm.

¶ 3 Under section 601(A) of the Unemployment Insurance Act, a claimant is ineligible for benefits if she "has left work voluntarily without good cause attributable to the employing unit." 820 ILCS 405/601(A) (West 2008). Whether an employee left work voluntarily without good cause is an issue that involves a mixed question of law and fact to which we apply the "clearly erroneous" standard of review. *AFM Messenger Service, Inc. v. Department of Employment Security*, 198 Ill. 2d 380, 392, 395 (2001); *Childress v. Department of Employment Security*, 405 Ill. App. 3d 939, 942 (2010). An administrative decision will be deemed clearly erroneous "only where the reviewing court, on the entire record, is 'left with the definite and firm conviction that a mistake has been committed.'" *AFM Messenger*, 198 Ill. 2d at 395, quoting *United States v. United States Gypsum Co.*, 333 U.S. 364, 395 (1948).

¶ 4 At the telephone hearing, plaintiff testified that she left her job because she was prohibited from speaking Spanish at work, the owner of the business said Spanish music was boring, and the owner once said that a particular Latino employee should be cutting grass instead. However, plaintiff agreed that she announced she was leaving work when she was refused a raise. The owner of the business testified that plaintiff asked for a raise, and when she refused the request, plaintiff immediately gave two weeks' notice and said she was leaving to better herself. According to the owner, a few days later, plaintiff told the owner's partner that she had another job opportunity and hoped they would give her a favorable recommendation. Plaintiff testified that she signed a voluntary termination form because she felt that if she refused to do so, she would not receive a positive reference.

¶ 5 We find that the record supports the Board's conclusion that plaintiff voluntarily left work without good cause attributable to her employer. Good cause for leaving work has been interpreted as "that which justifies an employee to leave the ranks of the employed and join those of the unemployed." *Acevedo v. Department of Employment Security*, 324 Ill. App. 3d 768, 772 (2001). A substantial and unilateral change in employment may render a job so unsuitable that good cause for voluntary termination is established. *Acevedo*, 324 Ill. App. 3d at 772. However, a claimant's dissatisfaction with her wages does not constitute good cause for purposes of unemployment compensation entitlement. *Dunn v. Department of Labor*, 131 Ill. App. 3d 171, 173 (1985).

¶ 6 While the record includes plaintiff's testimony that she quit because of the way her employer treated Latinos, the Board is the trier of fact and we must defer to its factual findings unless they are against the manifest weight of evidence. *Manning v. Department of Employment Security*, 365 Ill. App. 3d 553, 556 (2006). An agency's findings of fact are against the manifest weight of the evidence where the opposite conclusion is clearly evident. *City of Belvidere v. Illinois State Labor Relations Board*, 181 Ill. 2d 191, 204 (1998). Here, the owner of the business testified that plaintiff announced she was leaving her job immediately after her request for a raise was refused, and plaintiff acknowledged the accuracy of that sequence of events. Thus, the record includes evidence that supports the Board's finding. A decision opposite to that of the Board is not clearly evident, so the finding that plaintiff left work because she did not get a raise is not against the manifest weight of the evidence.

¶ 7 As noted above, dissatisfaction with wages does not constitute good cause for purposes of determining whether a claimant is entitled to unemployment benefits. *Dunn*, 131 Ill. App. 3d at 173. In light of the evidence in the record indicating that plaintiff left work because her request for a raise was refused, we are not left with the definite and firm conviction that the Board

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committed a mistake in finding her ineligible for benefits. See *AFM Messenger*, 198 Ill. 2d at 395. The Board's decision was not clearly erroneous.

¶ 8 The judgment of the circuit court of Cook County is affirmed.

¶ 9 Affirmed.