

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

RYAN CALLAHAN
Claimant

APPEAL NO. 19A-UI-08982-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MUSCO SPORTS LIGHTING LLC
Employer

OC: 10/20/19
Claimant: Appellant (1)

Iowa Code Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Ryan Callahan filed a timely appeal from the November 1, 2019, reference 02, decision that disqualified him for benefits and that relieved the employer's account of liability for benefits, based on the deputy's conclusion that Mr. Callahan voluntarily quit on January 1, 2019 without good cause attributable to the employer. After due notice was issued, a hearing was held on December 9, 2019. Mr. Callahan participated. Julie Server represented the employer.

ISSUE:

Whether the claimant's voluntary quit was for good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Ryan Callahan was employed by Musco Sports Lighting, L.L.C. as a full-time Technical Illustrator from December 17, 2018 until January 11, 2019, when he voluntarily quit. The workplace was in Oskaloosa. At the time Mr. Callahan accepted the employment, he did so with the understanding that he would need to report for work at the employer's Oskaloosa facility and that working remotely might be discussed at a later, unspecified point. Mr. Callahan understood that he was responsible for his own transportation to and from the employment. At the time Mr. Callahan accepted the employment, he resided in Ames and planned to commute to Oskaloosa until he could sell his home and move to a location closer to the workplace. The distance between Ames and Oskaloosa is approximately 90-95 miles. Mr. Callahan's commute took 80 minutes or more. Around the Christmas and New Year's holidays, the employer allowed Mr. Callahan to work remotely once or twice. Toward the end of the brief employment, Mr. Callahan began to experience a fuel pump issue with the vehicle he was using to commute to the employment. In addition, Mr. Callahan became more concerned with the commuting expense. Mr. Callahan's spouse had a more economical vehicle, but needed the vehicle for her employment. On January 10, 2019, Mr. Callahan asked his supervisor whether he could start working from home one to two days per week. The supervisor stated that he would check into it. On January 11, 2019, the supervisor told Mr. Callahan that he could not approve the remote working arrangement because it would cause a rift with Mr. Callahan's coworkers. Mr. Callahan elected to submit his written resignation on a form provided by the employer and elected to

separate from the employment effective January 11, 2019. The employer was pleased with Mr. Callahan's work performance and continued to have work for Mr. Callahan at the time he quit the employment.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 698, 612 (Iowa 1980) and *Peck v. EAB*, 492 N.W.2d 438 (Iowa App. 1992). In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer. See 871 IAC 24.25.

Iowa Admin. Code r. 871-24.25(1) and (30) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

1. The claimant's lack of transportation to the work site unless the employer had agreed to furnish transportation.

...

30. The claimant left due to the commuting distance to the job; however, the claimant was aware of the distance when hired.

The evidence in the record establishes a voluntary quit that was without good cause attributable to the employer. The quit was based on Mr. Callahan's concerns about the reliability of his means of transportation, the commuting expense, and the employer decision not to amend the conditions of the employment to allow Mr. Callahan to work remotely one to two days per week. Mr. Callahan was aware of the commuting distance when he accepted the employment. The transportation issue was a matter of personal responsibility. The employer was under no obligation to amend the established conditions of the employment to accommodate Mr. Callahan's transportation issues. Mr. Callahan is disqualified for benefits until he has worked in and been paid wages for insured work equal to 10 times his weekly benefit amount. Mr. Callahan must meet all other eligibility requirements. The employer's account shall not be charged for benefits.

DECISION:

The November 1, 2019, reference 02, decision is affirmed. The claimant voluntarily quit the employment on January 11, 2019 without good cause attributable to the employer. The claimant is disqualified for benefits until he has worked in and been paid wages for insured work equal to 10 times his weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged for benefits.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/scn