

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SUSAN R CORRIN
Claimant

APPEAL NO. 08A-UI-08568-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ORIENTAL TRADING CO
Employer

**OC: 06/29/08 R: 01
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated September 19, 2008, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on October 9, 2008. Claimant participated. Employer participated by Lynn Corbeil, TALX Attorney, and Dee Mayberry, Group Supervisor. Exhibit One was admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds: Claimant last worked for employer on June 6, 2008. Claimant was working in Underwood, Iowa, until the business closed. Claimant was offered a transfer to Omaha, which is an 84-mile round trip from her home. Claimant accepted the transfer and worked from April 1, 2008 through June 6, 2008. Claimant quit because it was too far to drive due to the gas price of \$4.00 per gallon. Claimant was aware of the driving distance the first week of work, as she drove herself to work.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of the distance to drive to work. Claimant accepted the job and worked for over two months. Claimant delayed her decision to quit for over two months. The delay is extraordinary. Waiting for such a period of time is acquiescence to the terms of employment. Claimant has a duty to make a timely decision or she will have accepted the terms of employment. Here, claimant had full knowledge of the distance to drive and the price of gas at an all time high. This is not a quit for good cause attributable to employer. Benefits withheld. See Olson v. Employment Appeal Board, 460NW2d865 (IA1990).

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.

DECISION:

The decision of the representative dated September 19, 2008, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/kjw