

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JULIE M VOSS

Claimant

APPEAL 17A-UI-08122-DL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

MARRIOTT HOTEL SERVICES INC

Employer

OC: 03/26/17

Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 4, 2017, (reference 02) unemployment insurance decision that denied benefits based upon voluntarily quitting the employment. The parties were properly notified about the hearing. A telephone hearing was held on August 28, 2017. Claimant participated. Employer Marriott, via its agent of record Equifax, opted not to participate. Claimant's Exhibit A was received.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was hired to work full-time as a lead laundry assistant. She attended two hours' orientation and was later paid for four hours' work on July 10, 2017. She did not work on July 11, 2017, but reported to tell the employer she was quitting for a better-paying job at Highland Ridge Presbyterian Homes & Services closer to her home with earlier health insurance eligibility. Her full-time hours with Marriott would have started on July 12, 2017. She could have continued working. The employment at Highland Ridge Presbyterian began July 25, 2017, but she had to wait for a background test and blood test. She submitted a blood sample on July 17, 2017. She remains employed at Highland Ridge with no reduction in hours. Her request for benefits is for the period after leaving Marriott and before starting employment with Highland Ridge.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without 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.

Iowa Admin. Code r. 871-24.25 provides, in pertinent part:

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:

(3) The claimant left to seek other employment but did not secure employment.

(13) The claimant left because of dissatisfaction with the wages but knew the rate of pay when hired.

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

The claimant's decision to quit because she did not agree with the wages or the commute distance are not good reasons attributable to the employer for quitting the employment. Iowa Code section 96.5(1)a applies to situations where an individual quit to take other or better employment but there was a separation from the second employer, and does not allow benefits to cover the period between employers. While claimant's leaving the employment may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits must be denied.

DECISION:

The August 4, 2017, (reference 02) unemployment insurance decision is affirmed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/rvs