

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MEGAN S ZARGER
Claimant

APPEAL NO. 07A-UI-07858-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KELLY SERVICES INC
Employer

OC: 07/08/07 R: 02
Claimant: Appellant (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Megan Zarger, filed an appeal from a decision dated August 9, 2007, reference 03. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on August 30, 2007. The claimant participated on her own behalf. The employer, Kelly Services, participated by Staffing Supervisor Jennifer Dale.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Megan Zarger was employed by Kelly Services from December 7, 2006 until May 26, 2007. She was assigned to Victor Plastics during that entire time. On May 12, 2007, she submitted a written resignation stating her last day of work would be May 26, 2007. She resigned due to problems with transportation and childcare.

Continuing work was available to her as the client company had planned to offer her permanent employment.

REASONING AND CONCLUSIONS OF LAW:

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 24.25(1) and (17) provide:

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.

(17) The claimant left because of lack of child care.

The claimant quit because of problems obtaining transportation to the job and child care. Under the provisions of the above Administrative Code section, this does not constitute good cause attributable to the employer and the claimant is disqualified.

DECISION:

The representative's decision of August 9, 2007, reference 03, is affirmed. Megan Zarger is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css