

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RONALD J MORMAN**  
Claimant

**APPEAL NO. 12A-UI-10151-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**QPS EMPLOYMENT GROUP INC**  
Employer

**OC: 07/08/12**  
**Claimant: Appellant (4)**

Section 96.5-1 – Voluntary Quit  
Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated August 15, 2012, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on September 14, 2012. Claimant participated. Employer participated by Rhonda Hefter, human resource supervisor. Exhibit One was admitted into evidence.

**ISSUE:**

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

**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 July 9, 2012. Claimant was laid off from part-time work. Claimant checked in to ask for work within three days of the end of an assignment as required by policy. Claimant asked for other work on the day he checked in.

Claimant does not have reliable transportation. Claimant cannot look for work, because he has no fuel for his truck.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he was laid off from the part-time job. This is a separation for cause attributable to employer. Claimant's statement that he called in on the day of layoff is more credible than the hearsay from employer. Benefits allowed based on the layoff.

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.

The next issue is whether claimant is able and available for work. Claimant does not have money for gas so as to look for work or go to work. Claimant is not able and available for work because he does not have reliable transportation. Benefits withheld effective July 8, 2012.

Iowa Code section 96.4-3 provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

**DECISION:**

The decision of the representative dated August 15, 2012, reference 02, is modified in favor of claimant. Unemployment insurance benefits are allowed based on the separation of employment. Benefits shall be withheld effective July 8, 2012 until claimant can establish that he is able and available for work with reliable transportation.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/kjw