

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MATRY JOHNSON**

Claimant

**APPEAL NO. 08A-UI-09517-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CAMBRIDGE TEMPOSITIONS INC**

Employer

**OC: 07/27/08 R: 04  
Claimant: Respondent (2/R)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Cambridge TEMPositions, Inc. (employer) appealed a representative's October 10, 2008 decision (reference 03) that concluded Matry Johnson (claimant) was qualified to receive benefits, and the employer's account was subject to charge because the claimant's employment separation occurred as the result of nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 3, 2008. The claimant failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which he could be contacted to participate in the hearing. As a result, no one represented the claimant. Victor Ochoa, an account manager, appeared on the employer's behalf.

**ISSUE:**

Did the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits, or did the employer discharge him for work-connected misconduct?

**FINDINGS OF FACT:**

The employer is a staffing firm. The claimant registered to work for the employer. The claimant accepted a full-time, temp-to-hire job that started on January 3, 2008. After working four hours at this assignment, the claimant called the employer to report he was leaving in the middle of the shift. The claimant indicated he was quitting because the job was too far from his residence and he did not have a driver's license. The claimant was not eligible to be assigned to another assignment after he left in the middle of his shift.

The claimant established a claim for benefits during the week of July 27, 2008. The claimant has received some benefits since July 27, 2008.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits his employment without good cause attributable to the employer. Iowa Code § 96.5-1. The claimant quit his employment when he left work in the middle of a shift on his first day of work.

When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6-2.

The law presumes a claimant quits employment without good cause when he leaves because of transportation problems. 871 IAC 24.25((1)). The evidence indicates the claimant quit because he did not have a driver's license and the job was too far from his residence. The claimant quit for personal reasons. These reasons do not, however, qualify him to receive benefits. As of July 27, 2008, the claimant is not qualified to receive benefits.

Since the claimant has received benefits after he established his claim, the issues of overpayment and whether the claimant is eligible for a waiver of overpayment are remanded to the Claims Section.

**DECISION:**

The representative's October 10, 2008 decision (reference 03) is reversed. The claimant voluntarily quit an assignment after working only four hours on January 3, 2008. He quit for reasons that do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of July 27, 2008. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged. The issues of overpayment of benefits and waiver of overpayment are remanded to the Claims Section to determine.

---

Debra L. Wise  
Administrative Law Judge

---

Decision Dated and Mailed

dlw/kjw