

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**DARLENE ALLEN
701 MILWAUKEE ST
CHARLES CITY IA 50616-2138**

**ROSS MARKETING INC
1395 STAMY RD
HIAWATHA IA 52233**

**Appeal Number: 06A-UI-07609-CT
OC: 07/09/06 R: 02
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Darlene Allen filed an appeal from a representative's decision dated July 26, 2006, reference 01, which denied benefits based on her separation from Ross Marketing, Inc. (Ross). After due notice was issued, a hearing was held by telephone on August 18, 2006. Ms. Allen participated personally. The employer did not respond to the notice of hearing.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Allen began working for Ross in September of 2005. She was hired to work 32 hours per week as a telephone sales representative. On

November 28, she reported to work but the computers were down. The employer did not know when they would be restored and advised employees they would not be paid for time spent waiting. On November 29, she reported to work at her scheduled time of 3:00 p.m. and worked until 7:30 p.m. She left before the end of her shift because it was snowing and she had to travel 20 miles to get home. She was not told by the employer to leave. Ms. Allen had never been sent home by the employer due to lack of work.

Ms. Allen only worked eight hours the week before November 28 because of the holiday and because she took time off to move. She quit the employment because of apprehension about the road she had to travel to get to and from work. She was most apprehensive about driving at night.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Allen was separated from employment for any disqualifying reason. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Allen acknowledged that she was never sent home by the employer due to lack of work. It appears that the computer problem of November 28 was an isolated occurrence. Ms. Allen returned to work the following day and would have completed her shift had it not been snowing. It does not appear that the lack of work or pay on November 28 was a factor in her separation.

It appears from her testimony that Ms. Allen was primarily concerned with having to drive home at night on a road she felt uncomfortable driving on. This was not a matter within the control of the employer. For the reasons stated herein, it is concluded that Ms. Allen did not have good cause attributable to the employer for quitting. Accordingly, benefits are denied.

DECISION:

The representative's decision dated July 26, 2006, reference 01, is hereby affirmed. Ms. Allen voluntarily quit her employment for no 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 job insurance benefit amount, provided she satisfies all other conditions of eligibility.

cfc/cs