

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DOUGLAS S JONES**  
Claimant

**APPEAL NO. 12A-UI-07004-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**INSTANT CAR CREDIT INC**  
Employer

**OC: 05-13-12**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the June 7, 2012, reference 02, decision that denied benefits. After due notice was issued, a hearing was held on July 24, 2012. The claimant did participate. The employer did participate through, Sharon Finnin, Office Manager and Mike Finnin, Owner.

**ISSUE:**

Did the claimant voluntary quit his employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a manager full time beginning May 16, 2011 through April 23, 2012 when he voluntarily quit. The claimant worked at the employer's location on 45 Central Street in Dubuque. Due to the economy the employer was going to close that location and move the business into their other business location at Mike Finnin Ford at 3600 Dubuque Road that was four or five miles from the Instant Car Credit location. The claimant was told he could work at the other location performing the exact same functions he had performed at the location he was hired. The claimant initially claimed he has a valid driver's license and bought a car from the employer but also said he refused the transfer because he would not be able to walk to work, he did not have a car and he could not afford a bus pass. The claimant was not promised that he would always be able to work at the location he was hired to work at. The claimant knew the business was moving because he posted the signs in the window that said "moving" and the address of the new location.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment 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.

871 IAC 24.25(1), (30) provides:

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.

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

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code §96.6(2) (amended 1998). The claimant was never hired with the understanding that the employer would provide him a job within walking distance of his home. The claimant bought a car from the employer and has a valid driver's license. Five miles is not so excessive a commute as to give him good cause for leaving the employment. His claim of lack of transportation was not credible and his decision to quit due to a lack of transportation was not a good-cause reason attributable to the employer for leaving. Benefits are denied.

**DECISION:**

The June 7, 2012, reference 02, decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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