

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROGER WOBbenhORST**  
Claimant

**APPEAL NO. 07A-UI-10144-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MENARD INC**  
Employer

**OC: 09/23/07 R: 12**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Roger Wobbenhorst (claimant) appealed an unemployment insurance decision dated October 22, 2007, reference 01, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Menard, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 19, 2007. The claimant participated in the hearing. The employer participated through Ryan Hammen and Attorney Erik Fern. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a part-time sales associate in the building materials department from November 8, 2000 through June 14, 2007 when he voluntarily quit. He quit because it was becoming too expensive to drive the 105 miles to and from work each day. It was also difficult standing on the hard cement all day long, particularly after sustaining a serious, work-related injury in 2002. He was not restricted from standing all day but it was hard for him to do so. When he applied for employment, he requested full-time and was told he could move into a full-time position after 30 days but that never happened. The claimant also felt the employer gave the young kids the best shifts and often made him work the closing shift late at night. He had asked the employer if he could take off Father's Day since his father was ill and the claimant wanted to spend the day with him. The employer told the claimant he asked two hours too late and he was scheduled to work that day. The claimant felt "that was the straw that broke the camel's back" and he voluntarily quit.

## **REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits. It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2.

Iowa Code § 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(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 § 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 § 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:

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

The claimant quit his employment on June 14, 2007 because it was becoming too expensive to drive back and forth to work. He had been driving 105 miles to and from work since his date of hire but could no longer afford it due to the increased costs of fuel. While the claimant had compelling personal reasons to quit his employment, his separation was not attributable to the employer and benefits are denied.

An individual who quits part-time employment without good cause, yet is otherwise monetarily eligible based on wages paid by other base-period employers, shall not be disqualified for voluntarily quitting the part-time employment. 871 IAC 24.27. Unfortunately in the case herein, the claimant only worked for this employer and is not monetarily eligible to receive unemployment insurance benefits.

## **DECISION:**

The unemployment insurance decision dated October 22, 2007, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are

withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

---

Susan D. Ackerman  
Administrative Law Judge

---

Decision Dated and Mailed

sda/css