

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JASON MIXON
Claimant

APPEAL NO: 10A-UI-06268-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

**AVENTURE STAFFING & PROFESSIONAL
SERVICES LLC**
Employer

OC: 12-02-07
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the April 14, 2010, reference 05, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on June 15, 2010 and continued July 20, 2010. The claimant participated in the hearing with Attorney Steve Greenleaf. Nicole Postello, Human Resources and Danielle Wigen, Employee Services Representative, participated in the hearing on behalf of the employer. Employer's Exhibits One and Two and Claimant's Exhibit A were admitted into evidence.

ISSUE:

The issue is whether the claimant voluntarily left his employment with 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 full-time inventory assistant for Aventure Staffing and Professional Services from October 21, 2009 to December 31, 2009. He was last assigned to Jack Links in Lorenz, Iowa, December 31, 2009. He rode with three other employees and after the first day the employee who drove indicated he would not be returning and he told the employer the claimant said he was not going to return either. The employer went back to the office and called the claimant to ask him about his plans with regard to Jack Links. He explained he could not return to work because he had daytime appointments he had to attend. He did not mention anything to the employer about not having a ride or the commuting distance. He testified he did not have a ride since the driver was quitting and he did not have reliable transportation although he indicated on his pre-application questionnaire that he had his own vehicle and thus reliable transportation to work (Employer's Exhibit One). He also checked the line on the pre-application questionnaire that he wished to be considered for positions that required the use of a personal vehicle (Employer's Exhibit Two). He did state on his application, completed October 30, 2009, that he was willing to travel or commute but did not wish to commute more than 30 miles (Claimant's Exhibit A). He testified he had a van with over 200,000 miles on it

and a car with a transmission problem but still indicated he had reliable transportation. He does not believe he should have had to drive to Jack Links in Lorenz because his vehicles were not reliable but was willing to drive approximately 25 miles to a potential job at Polaris. The claimant testified he was not going back to Jack Links because he did not have any way to get there and it was 37.5 miles away. The employer offered him the Jack Links position even though it was more than 30 miles away because it wanted to give him the choice of accepting the position and the extra drive or the opportunity to turn the job down without consequence but the claimant accepted the position. He did not ask or check the commuting distance to Lorenz before accepting the job. At the conclusion of the Jack Links assignment the claimant never called the employer or contacted it in any manner for other work besides picking up his paycheck.

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.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2. The claimant told the employer he was not returning to his assignment at Jack Links because he had to attend appointments during the day even though he knew the work schedule when he accepted the assignment. He testified he quit because of transportation issues and because the job was beyond the 30-mile commuting distance he stated he would accept on his application. His application also stated, however, that he had reliable transportation but he testified he actually did not because both of his vehicles were in bad shape. The employer was not responsible for providing the claimant with transportation and it was up to the claimant to inquire as to how far away the Jack Links job was from the employer's location or his home as many people would be willing to drive a few extra miles for a job. Additionally, the claimant did not seek further assignments from the employer upon the end of the Jack Links job. Under these circumstances the administrative law judge must conclude the claimant quit his job with Aventure Staffing and has not demonstrated that his leaving was for good cause attributable to the employer as defined by Iowa law. Therefore, benefits are denied.

DECISION:

The April 14, 2010, reference 05, 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs