

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES T WALKER
Claimant

APPEAL NO: 13A-UI-04021-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MARKETLINK INC
Employer

OC: 02/24/13
Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's March 27, 2013 determination (reference 01) that disqualified him from receiving benefits and held the employer's account exempt from charge because he voluntarily quit for reasons that do not qualify him to receive benefits. The claimant participated in the hearing. Kim Higginbotham, the call center manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant is qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits?

FINDINGS OF FACT:

The claimant started working for the employer on January 8, 2013. The employer hired the claimant to work as a full-time sales representative at the employer's Merle Hay location.

On January 21, 2013, Higginbotham informed the claimant and other employees at the Merle Hay location that the Merle Hay call center would be closed and all operations would be done at the employer's Fleur Drive location. The employer offered the claimant work at the Fleur Drive call center.

The claimant takes the bus to work. The claimant checked and discovered he could not get to work by 7 a.m. by taking the bus from his residence to the Fleur Drive location. The claimant and Higginbotham talked about the claimant carpooling with other employees. The carpool arrangement did not work out.

After the claimant learned he could not take a bus and get to work by 7 a.m., he gave the employer a two-week notice that he had to resign. The claimant resigned because he did not want to be discharged for attendance issues. He wanted the opportunity to reapply if he moved closer to the employer's Fleur Drive location. The claimant's last day of work was February 1, 2013. The employer's Merle Hay location was completely closed on February 8, 2013.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). Since the claimant voluntarily quit his employment, 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 with good cause when there is a substantial change in the employment. A substantial change could involve a change in the location of the employment. 871 IAC 24.26(1). The evidence establishes that the employer hired the claimant to work at the Merle Hay location. After the claimant began working, the employer decided to close the Merle Hay location and consolidate the call center at the employer's Fleur Drive location. After learning the Merle Hay location was closing, the claimant took reasonable steps to check out the bus route from his residence to Fleur Drive. He discovered he was unable to take a bus so he could get to work by 7 a.m. It was only later that the employer changed the start time to 7:30 a.m.

Under the facts of this case, the claimant quit for reasons that qualify him to receive benefits. The employer is not one of the claimant's base period employers. During the claimant's current benefit year, the employer's account will not be charged.

DECISION:

The representative's March 27, 2013 determination (reference 01) is reversed. The claimant voluntarily quit his employment for reasons that qualify him to receive benefits as of February 24, 2013, provided he meets all other eligibility requirements. During the claimant's current benefit year, the employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs