

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CORA D HARRIS
Claimant

APPEAL NO: 19A-UI-03064-TN-T

**AMENDED
ADMINISTRATIVE LAW JUDGE
DECISION**

GOODWILL INDUSTRIES OF THE HEARTL
Employer

OC: 03/24/19

Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a representative's unemployment insurance decision dated April 9, 2019, (reference 01) which denied unemployment insurance benefits, finding that the claimant voluntarily quit work on March 13, 2019 for personal reasons. After due notice was provided, a telephone hearing was held on May 1, 2019. Claimant participated after a late call. Employer participated by Ms. Tony Markowitz, Hearing Representative and witnesses Ms. Silvia Salinas, Director and Ms. Jessica Cress.

ISSUE:

The issue is whether the claimant left employment with good cause that was attributable to the employer.

FINDINGS OF FACT:

Having heard the testimony and having considered all of the evidence in the record, the administrative law judge finds: Cora Harris was employed by Goodwill Industries of the Heartland from November 19, 2018 until March 13, 2019 when she quit employment. Ms. Harris was employed as a part-time job coach working approximately 20 hours per week and was paid by the hour. Her immediate supervisor was Jessica Cress.

On March 12, 2019, Ms. Harris sent the employer a text message stating that she was quitting her position with Goodwill Industries of the Heartland. Ms. Harris did not request time off in the text message or provide the employer a specific reason for quitting.

Ms. Harris left her employment with Goodwill Industries in anticipation that she might be discharged in the future, because she no longer had reliable personal transportation to travel to Goodwill centers as part of her job. Ms. Harris anticipated that she would be receiving an income tax refund at a later date, and at that time would be able to purchase more reliable transportation. Ms. Harris hoped to be re-employed by Goodwill Industries again after purchasing a better car.

The employer did not know why Ms. Harris was quitting employment but accepted her resignation. The employer asserts that had the claimant given the employer the reason for her leaving, the employer would have attempted to accommodate Ms. Harris by giving her the use of an automobile that is kept by Goodwill Industries as fill-in transportation for employees who may temporarily need to use it.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the evidence in the record establishes that Ms. Harris left her employment with good cause that was attributable to the employer. It does not.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

Iowa Admin. Code r. 871-24.25(1) 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.

In the case at hand, Ms. Harris tendered her resignation by text message giving no reason for quitting and did not request any time off from work. Based upon the claimant's statement of her intent to quit employment, the employer accepted Ms. Harris' resignation and her employment with Goodwill Industries came to an end.

Ms. Harris left her employment because she no longer had reliable personal transportation that was needed to perform some of her job duties. Ms. Harris was aware at the time of hire that she needed a car to travel to various Goodwill centers, but had not made any inquiries to the employer to find out if any alternatives were available to her other than quitting employment.

The claimant's quitting employment was not attributable to the employer. Claimant knew at the time of hire that she should have personal transportation to perform some aspects of her job. Ms. Harris' reason for leaving was not caused by the employer but because Ms. Harris no longer had dependable personal transportation of her own. A reasonable alternative was available to Ms. Harris other than quitting however; she had not informed the employer of the reason for her quitting and had not asked for any type of accommodation from the employer before doing so.

Although sympathetic to the claimant's situation, the administrative law judge concludes that the claimant left employment without good cause that was attributable to the employer. Accordingly, unemployment insurance benefits are withheld until Ms. Harris has worked in and been paid wages for insured work equal to ten times her weekly benefit amount and is otherwise eligible.

DECISION:

The representative's unemployment insurance decision dated April 9, 2019, reference 01 is affirmed. Claimant quit employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount and is otherwise eligible.

Terry P. Nice
Administrative Law Judge

Decision Dated and Mailed

tn/scn