

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMBER M KIRSCH
Claimant

APPEAL NO. 07A-UI-03595-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INTERNATIONAL INC
Employer

OC: 02/18/07 R: 01
Claimant: Appellant (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Amber Kirsch, filed an appeal from a decision dated March 28, 2007, reference 03. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on April 24, 2007. The claimant participated on her own behalf. The employer, Manpower, participated by Staffing Specialist Todd Ashenfelter.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Amber Kirsch was employed by Manpower from October 30, 2006 until February 22, 2007. At the time she applied for work she indicated she had transportation and could accept assignments within a 40-mile radius of Clarinda, Iowa. Between the time she filled out her application and when she was assigned to NFK, her vehicle stopped running and she had no transportation.

She was able to walk to work at NFK because it was within walking distance of her home. That assignment ended February 22, 2007, at the request of the client because of poor attendance due to family medical problems. Manpower has no work available in Clarinda except NFK.

REASONING AND CONCLUSIONS OF LAW:

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) 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.

The claimant was no longer able to work for Manpower because she could not accept assignments outside of Clarinda and the only client there was one which had already requested her removal. Under the provisions of the above Administrative Code section, this is a voluntary quit without good cause attributable to the employer and the claimant is disqualified.

DECISION:

The representative's decision of March 28, 2007, reference 03, is affirmed. Amber Kirsch is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs