

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MELODY A CLARK
Claimant

APPEAL NO. 09A-UI-18595-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TM1 STOP LLC
Employer

**Original Claim: 11/01/09
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Melody Clark filed a timely appeal from a representative's decision dated December 8, 2009, reference 01, which denied benefits based upon the claimant's separation from TM1 Stop LLC. After due notice was issued, a telephone conference hearing was scheduled for and held on January 25, 2010. The claimant participated personally. The employer participated by Ms. Heather Hoyt. Claimant's Exhibit One was received into evidence.

ISSUE:

At issue is whether the claimant left work for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds: Melody Clark was employed as a full-time telemarketing representative for TM1 Stop LLC from May 26, 2009, until June 17, 2009. Ms. Clark was employed on a full-time basis and was paid by the hour.

Ms. Clark discontinued reporting for scheduled work after June 9, 2009, because another employee who the claimant rode to work with had quit employment. Ms. Clark resides in Cedar Rapids, Iowa, and was aware at the time of hire that the employer's business location was in Iowa City, Iowa. The claimant was aware that the employer did not provide transportation to and from the workplace.

After the employee that Ms. Clark rode to work with had left employment, the claimant attempted to secure a ride with other workers. One worker was unwilling to go out of the worker's way to pick up Ms. Clark. A second worker wished to be paid a stipend of \$25.00 per week transporting Ms. Clark to and from work. The claimant considered \$100.00 per month to be too high and did not accept the offer that would have allowed her to continue her employment with TM1 Stop LLC.

REASONING AND CONCLUSIONS OF LAW:

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

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.

Ms. Clark accepted employment with TM1 Stop LLC knowing that the business location required travel to and from her residence in Cedar Rapids, Iowa. The claimant was also aware that the employer did not furnish transportation to and from the work location and that transportation was the claimant's responsibility. Ms. Clark discontinued reporting for work after she had lost her ride with another worker. Although an alternate method of transportation was available to Ms. Clark, she chose not to accept it, as she considered the transportation costs equivalent to \$5.00 per day to be excessive. The claimant's leaving was not with good cause attributable to the employer. Benefits are withheld.

DECISION:

The representative's decision dated December 8, 2009, reference 01, is affirmed. The claimant voluntarily quit work for reasons not 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, provided she is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw