

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DUSTIN K HOCH**  
Claimant

**APPEAL NO: 09A-UI-08588-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SEDONA STAFFING**  
Employer

**OC: 03/01/09**  
**Claimant: Respondent (2/R)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Sedona Staffing (employer) appealed a representative's June 10, 2009 decision (reference 06) that concluded Dustin K. Hoch (claimant) was qualified to receive benefits, and the employer's account was subject to charge because the claimant had been discharged for nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 2, 2009. The claimant did not respond to the hearing notice or participate in the hearing. Colleen McGuinty and Ronda Stout appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits, or did the employer discharge him for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant started working at a temp-to-hire job he had accepted from the employer on March 10, 2009. The claimant did not complete the assignment. April 21 was the claimant's last day of work after he informed the employer he lost his transportation to work and would not be able to continue working at this job. The claimant lived about 12 miles from work.

The claimant established a claim for benefits during the week of March 1, 2009. He reopened his claim for benefits during the week of April 19, 2009. He has filed for and received benefits since April 19, 2009.

**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, or an employer has discharged the claimant for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-2-a. Based on the evidence presented during the July 2 hearing, the facts establish the claimant quit his employment as of April 22, 2009. When a claimant quits, he was the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6-2.

The law presumes a claimant voluntarily quits without good cause when he leaves employment due to a lack of transportation. 871 IAC 24.25(1). Based on the evidence presented during the hearing, the facts establish the claimant quit his employment because he did not have transportation to work after April 21, 2009. For unemployment insurance purposes, the claimant quit for reasons that do not qualify him to receive benefits.

Since the claimant received benefits after April 21, 2009, the issue of overpayment will be remanded to the Claims Section.

**DECISION:**

The representative's June 10, 2009 decision (reference 06) is reversed. The employer did not discharge the claimant. Instead, the claimant voluntarily quit his employment after he lost his transportation to work. While the claimant quit for compelling personal reasons, these reasons do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of April 19, 2009. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged. The issue of overpayment or whether the claimant is eligible for a waiver of any overpayment is remanded to the Claims Section to determine.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css