

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHEQUITA C RAYFORD
Claimant

APPEAL NO. 12A-UI-06490-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER
Employer

**OC: 10/23/11
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit
Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Shequita Rayford (claimant) appealed a representative's June 4, 2012 decision (reference 04) that concluded she was not eligible to receive unemployment insurance benefits because she voluntarily quit work with Manpower (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for June 26, 2012. The claimant participated personally. The employer participated by Danielle Walsh, Staffing Specialist.

ISSUE:

The issue is whether the claimant voluntarily quit work without good cause attributable to the employer and whether the claimant is available for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on December 8, 2011, as a temporary worker. She was assigned to work at Syngenta Seeds as a full-time general laborer on April 17, 2012. The claimant lost her transportation to the job on April 24, 2012, and quit the assignment. The claimant has not found transportation to that job since.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

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.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intention to voluntarily leave work was evidenced by her words and actions. She told the employer that she was leaving and quit work. When an employee quits work because of lack of transportation, she leaving is without good cause attributable to the employer. The claimant left work because she did not have transportation to work. Her leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

The next issue is whether the claimant was able and available for work. For the following reasons the administrative law judge concludes she is not.

871 IAC 24.23(4) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(4) If the means of transportation by an individual was lost from the individual's residence to the area of the individual's usual employment, the individual will be deemed not to have met the availability requirements of the law. However, an individual shall not be disqualified for restricting employability to the area of usual employment. (See subrule 24.24(7)).

The claimant's means of transportation was lost. When a claimant's means of transportation to employment is lost, the claimant is deemed to not be available for work. The claimant is disqualified from receiving unemployment insurance benefits because she is not available for work with another employer.

DECISION:

The representative's June 4, 2012 decision (reference 04) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The claimant is not available for work.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css