

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ERNESTO VEGA
Claimant

MASTERTSON PERSONNEL INC
Employer

APPEAL NO. 19A-UI-03802-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/21/19
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated May 6, 2019, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on May 30, 2019. Claimant participated. Employer participated by Jim Robertson and Maria Villegas. Employer's Exhibits 1-2, 4 were admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on March 28-29, 2019 as claimant worked overnight hours. Claimant stated that he quit both his placement with Sparboe Farms and his work for employer in general when he was frustrated about the drive to the placement and also was frustrated with not having a timecard to clock in and out from work.

Claimant worked a number of different placements for employer. Recently, claimant had worked at a placement that was approximately an hour from claimant's residence. Claimant had not complained about the distance to that placement. Claimant was placed at Sparboe farms on March 26, 2019. After two days of working, claimant chose to quit both his placement and the employer generally. Claimant stated he quit because of the distance to Sparboe when employer called claimant concerning his quit. During the hearing, claimant stated that he also quit because he was not given a punch card to record his time at work. Claimant stated that he worked hours over and above those he was paid for. Claimant provided no proof for this claim. Employer explained that claimant's hours were correct and his first night also included orientation.

REASONING AND CONCLUSIONS OF LAW:

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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he was uncomfortable about the distance and uncomfortable about the lack of a punch card.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.* Here, claimant's complaints about the distance to the job are not seen as founded as claimant was told the distance from employer prior to claimant accepting the placement. Additionally, claimant had recently accepted and performed a job at a placement of greater distance than the distance to Sparboe.

Claimant's other complaint, that he quit because he did not have a timecard also is not seen as a good cause reason. Claimant did not know how many hours were recorded for claimant *at the time of his quit*. (Italics added for emphasis.) As he did not know whether his hours were or were not correctly recorded, the absence of a timecard in and of itself does not constitute a good cause for a quit that is attributable to employer.

DECISION:

The decision of the representative dated May 6, 2019, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn