

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JERRREY D SMITH
Claimant

APPEAL NO. 10A-UI-00660-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ROYAL CLEANING SERVICES INC
Employer

OC: 12-06-09
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the January 8, 2009, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on February 4, 2010. The claimant did participate. The employer did participate through Charli Engstrom, Manager.

ISSUE:

Was the claimant discharged for work-related misconduct or did he voluntarily quit his employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: Claimant was employed as a rest area attendant part time beginning June 12, 2009 through November 29, 2009 when he voluntarily quit due to lack of transportation.

When the claimant was hired he was told that during the summer months he could work at one location, but when winter hours started on December 1 he would be required to switch locations during part of his shift because less employees work during the winter months. The employer never promised the claimant that he would not have to move locations during his work shift. The claimant does not have transportation to allow him to move, so he voluntarily quit his job.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without good cause attributable to the employer.

Iowa Code § 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 § 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 § 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 has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). The claimant was never told that he would not have to move work locations as every other employee has for the past twelve years. The claimant did not want to move locations because he did not have transportation. The claimant chose to quit because he lacked transportation to move locations.

While claimant's decision to quit may have been based upon good personal reasons it was not a good-cause reason attributable to the employer for leaving the employment. Benefits must be denied.

DECISION:

The January 8, 2010, reference 01, decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/css