

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BURDETTE DANIELSON**

Claimant

**APPEAL NO: 10A-UI-09904-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEMP ASSOCIATES - MARSHALLTOWN**

Employer

**OC: 08-23-09**

**Claimant: Appellant (1)**

Iowa Code section 96.5(1j) – Voluntary Leaving (Temporary Assignment)

Iowa Code section 96.4-3 – Able and Available for Work

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the June 29, 2010, reference 06, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on October 8, 2010. The claimant participated in the hearing. Nancy Mullaney, Manager, participated in the hearing on behalf of the employer.

**ISSUES:**

The issues are whether the claimant voluntarily left his employment, whether he sought reassignment from the employer and whether he was able and available for work.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time production worker for Temp Associates from September 3, 2009 to February 1, 2010. The claimant was last assigned at Victor Manufacturing. The employer notified the claimant the assignment ended because the claimant was not a “good fit.” The employer told the claimant to check in by February 5, 2010, and then maintain contact weekly after that. On February 16, 2010, the employer called the claimant to offer him a position at Montezuma Manufacturing. The claimant called back later that day and said he had to quit because his engine blew and he did not have any transportation. He did not get his vehicle fixed and secure transportation until April 5, 2010. He started another assignment for the employer at Montezuma Manufacturing April 12, 2010.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment without good cause attributable to the employer and was not able and available for work.

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.

The claimant effectively voluntarily quit his employment with Temp Associates because he lost his transportation. While the claimant thinks the employer should have tried to find transportation for him it is not the employer's responsibility to provide transportation to employees. Because the claimant did not have transportation to a worksite and could not accept assignments between February 16 and April 5, 2010, he is considered to have voluntarily quit his job and was not able and available for work during those dates even though he returned to work for the temporary agency April 12, 2010. Consequently, benefits are denied.

**DECISION:**

The June 29, 2010, reference 06, decision is affirmed. The claimant's separation was not attributable to the employer. Benefits are withheld until such time as the claimant works in and has been paid for wages equal to ten times his weekly benefit amount, provided he is otherwise eligible.

---

Julie Elder  
Administrative Law Judge

---

Decision Dated and Mailed

je/css