

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TONI ANDERSON-FORD
Claimant

APPEAL NO. 07A-UI-01294-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

USA STAFFING INC
Employer

**OC: 10-29-06 R: 03
Claimant: Appellant (1)**

Section 96.5-2-a – Discharge for Misconduct
Section 96.5-1 – Voluntary Leaving
Section 96.5-1-j – Seeking of Reassignment

STATEMENT OF THE CASE:

The claimant filed an appeal from a representative's decision dated November 29, 2006, reference 01, which denied benefits. After due notice was issued, a hearing was held by telephone February 20, 2007. Claimant participated. Employer participated through Doug Meinders.

ISSUE:

At issue in this matter is whether the claimant voluntarily quit her employment for reasons that are attributable to the employer or whether the claimant was discharged from her work for work-related misconduct.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed by the temporary employment service on any assignment with East Iowa Plastics from April 28, 2006 until May 8, 2006, when the employer reasonably concluded that the claimant had voluntarily quit her job by failing to report or to provide notification for three consecutive work days. The claimant last reported for work at the client employer on May 5, 2006. She did not report or provide notification either to the client employer or to USA Staffing Inc. on May 6 or thereafter. The claimant discontinued reporting for available work due to transportation difficulties. The claimant understood at the time of hire that it was each employee's responsibility to provide transportation to and from the worksite.

The administrative law judge concludes based upon the evidence in the record that the claimant's in employment came to an end on or about May 8, 2006, as the claimant discontinued reporting for scheduled work and did not provide notification to either the client employer for the temporary employment service as required for three or more consecutive work days. It establishes that the claimant understood at the time of hire that it was each employee's

responsibility to provide transportation to and from the temporary work location. Although aware of the obligation to call in to report absences, the claimant did not do so.

REASONING AND CONCLUSIONS OF LAW

The administrative law judge concludes based upon the evidence in the hearing record, that the claimant's employment came to an end when she failed to report for scheduled work and did not provide notification as required for three consecutive work days. The claimant left this employment due to a lack of transportation. It was made clear at the time of hire that employees are required to provide their own transportation to and from the work location.

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(4) 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:

(4) The claimant was absent for three days without giving notice to employer in violation of company rule.

For the reasons stated herein, the administrative law judge finds that the claimant voluntarily quit her employment for reasons that were not attributable to the employer. Benefits are denied.

DECISION:

The representative's decision dated November 29, 2006, reference 01, is hereby affirmed. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

tpn/kjw