

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TERRENCE LANGAN
Claimant

APPEAL NO. 07A-UI-08868-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

API INC
Employer

**OC: 08-12-07 R: 01
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the September 14, 2007, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on October 2, 2007. The claimant participated in the hearing. Don McGruder, Safety Coordinator, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left his employment with good cause attributable to the employer.

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 sheet metal worker for API Inc. from December 18, 2006 to January 6, 2007. He told the employer at the time of hire he was going to lose his driver's license shortly and if he was not able to find alternate transportation he would have to quit. He asked the employer to lay him off December 29, 2006, and January 5, 2007, and the employer indicated it would check with someone else and let him know but the layoff had not occurred at the time the claimant quit January 6, 2007. He chose that date because he was scheduled to go to court January 8 and again on January 12, 2007, and believed he would lose his license on one of those dates but his case was continued until January 29, 2007. The employer had continuing work available.

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.

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 employer describes the claimant's separation as a "self-quit" and the claimant stated he voluntarily quit January 6, 2007. While there was an incident after January 6, 2007, the claimant indicated he had already quit at that time and consequently there is no need to address that situation. Therefore, the issue is whether the claimant's leaving was for good cause attributable to the employer. 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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2. It is the claimant's responsibility to provide his own transportation to work in the absence of an agreement that the employer will provide transportation. In this case the claimant told the employer at the time of hire he was going to lose his driver's license in the near future and would have to quit at that time. While the claimant asked to be laid off the employer chose not to grant him a lay off and as a result the claimant quit in anticipation of his court date and loss of his license. Under these circumstances the administrative law judge cannot conclude that the claimant's leaving was for good cause attributable to the employer as defined by Iowa law. Therefore, benefits must be denied.

DECISION:

The September 14, 2007, 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/css