

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CEDRIC C GRIFFITH**  
Claimant

**APPEAL NO. 12A-UI-00297-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ADVANCE SERVICES INC**  
Employer

**OC: 12/11/11**  
**Claimant: Appellant (1)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The claimant, Cedric Griffith, filed an appeal from a decision dated January 5, 2012, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on January 30, 2012. The claimant participated on his own behalf. The employer provided a telephone number to the Appeals Section. That number was dialed at 3:01 p.m. and the only response was a voice mail. A message was left indicating the hearing would proceed without the employer's participation unless the witness contacted the Appeals Section prior to the close of the record. By the time the record was closed at 3:25 p.m. the employer had not responded to the message and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Cedric Griffith was employed by Advance Services beginning February 21, 2011. He was assigned to the client company Jack Links. Mr. Griffith had lost his license and could no longer drive so he depended on co-workers to drive him to work and as a result he had been assessed seven attendance points as of November 21, 2011.

On that day he notified the supervisor at the client company he would not be able to come to work the next day because the person with whom he rode would not be coming to work. The supervisor notified him if he did not come to work he would receive another point for a total of eight, and that was the discharge level.

Mr. Griffith called in absent on November 22, 2011, due to lack of transportation. He never spoke with anyone at Advance Services after that date.

**REASONING AND CONCLUSIONS OF LAW:**

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 was no longer able to work because he lost his means of transportation to the client company. Under the provisions of the above Administrative Code section, this is a voluntary quit without good cause attributable to the employer. The claimant is disqualified.

**DECISION:**

The representative's decision of January 5, 2012, reference 01, is affirmed. Cedric Griffith is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount in insured work, provided he is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/pjs