

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**EMMANUEL TORREZ**  
Claimant

**APPEAL NO: 12A-UI-05997-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PACKERS SANITATION SERVICES INC**  
Employer

**OC: 04/22/12**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.25(4) – Loss of Transportation

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated May 18, 2012, reference 01, that held he voluntarily quit without good cause attributable to the employer on January 6, 2012, and which denied benefits. A telephone hearing was held on June 14, 2012. The claimant did not participate. Juan Martinez, site manager, participated for the employer.

**ISSUE:**

Whether the claimant voluntarily quit without good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witness and having considered the evidence in the record, finds: The claimant worked as a full-time general laborer from March 18, 2011 to January 6, 2012. He quit his job to a loss of transportation.

Claimant failed to respond to the hearing notice.

**REASONING AND CONCLUSIONS OF LAW:**

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 administrative law judge concludes the claimant voluntarily quit without good cause attributable to his employer due to a loss of transportation on January 6, 2012.

The claimant knew transportation to the job was his responsibility, and his loss of transportation ended the job assignment, which is a voluntary quit without good cause attributable to the employer.

**DECISION:**

The department decision dated May 18, 2012, reference 01, is affirmed. The claimant voluntarily quit without good cause on January 6, 2012. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

---

Randy L. Stephenson  
Administrative Law Judge

---

Decision Dated and Mailed

rls/kjw