

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JENNA L MCCLINTOCK
Claimant

D E I INC
Employer

APPEAL NO. 18A-UI-06287-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/13/18
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated June 4, 2018, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on June 22, 2018. Claimant participated. Employer participated by Brian Woods and Lori Dohrmann. Claimant's Exhibit A was admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on May 10, 2018. Claimant put in her two weeks' notice of her intention to quit through a text claimant sent to employer on May 14, 2018. Employer decided that they would just accept the quit effective immediately.

Claimant did not have a license to drive and her employment was located approximately a half hour from where she lived. Claimant had difficulties with the person who was giving her rides to work every day and decided she would no longer ride with him on May 14, 2018. Claimant's only way to work would then be from her grandparents and claimant did not think that this would be fair to them to ask them to take two hours out of their day every day to make two trips to drop off and pick up claimant each day.

Employer interpreted claimant's early morning texts of May 14, 2018 (Claimant's Ex. A) to be claimant's notice to quit. Claimant did nothing to explain to employer that she was not intending to give employer her two weeks' notice at the time, although she argued at hearing that this was the case. Even when employer stated that she would just be deemed to have quit immediately, claimant didn't attempt to tell employer that she wasn't intending to quit, but rather to inform employer that she might quit at some unknown time in the future.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

Iowa Admin. Code r. 871-24.25(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 holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she didn't have reasonable transportation to get her to and from work every day. As transportation to work was claimant's responsibility, her loss of that transportation was also her responsibility.

Claimant put in a two weeks' notice to end her employment on May 14, 2018. Employer accepted that offer, effective immediately. As claimant did nothing to explain that she hadn't intended to quit, employer was within its rights to accept that notice. Claimant is eligible to receive unemployment benefits for the two weeks after her May 14, 2018 notice, but not beyond that date.

DECISION:

The decision of the representative dated June 4, 2018, reference 01, is affirmed. Claimant is only eligible to receive unemployment benefits for the two weeks' period after putting in her May 14, 2018 notice. After the date of May 28, 2018, unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/rvs