

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**TERRANCE COMBS
4454 N DIVISION #202
DAVENPORT IA 52806**

**PROFESSIONAL BUILDING SERVICES
OF THE QUAD CITIES INC
PO BOX 1253
BETTENDORF IA 52722**

**Appeal Number: 05A-UI-05772-CT
OC: 05/01/05 R: 04
Claimant: Appellant (1-R)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Terrance Combs filed an appeal from a representative's decision dated May 26, 2005, reference 01, which denied benefits based on his separation from Professional Building Services of the Quad Cities, Inc. (PBS). After due notice was issued, a hearing was held by telephone on June 16, 2005. Mr. Combs participated personally. The employer participated by Sally Travis, Human Resources.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Combs was employed by PBS from November 3, 2004

until February 21, 2005. He worked approximately 17.5 hours each week cleaning. He voluntarily quit the employment because he had too many things going on. Mr. Combs signed a form on February 21, 2005 indicating he was quitting.

Mr. Combs had been asked to transfer to a different work location but declined because he did not have transportation to a different site. He had been notified at the time of hire that employees may be transferred to other locations to provide cleaning services. Continued part-time work would have been available if Mr. Combs had not quit.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Combs was separated from employment for any disqualifying reason. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Although he denied that he quit, Mr. Combs did sign the form indicating that he was quitting. He quit because he had too many other things to do. He also quit because of the possibility of being transferred to a location to which he did not have transportation. Inasmuch as he knew when he accepted the employment that he could be transferred, the possibility of a transfer did not constitute good cause for quitting. The evidence of record does not establish any good cause attributable to the employer for Mr. Combs' quit.

An individual who voluntarily quits part-time employment without good cause attributable to the employer may nevertheless qualify for job insurance benefits if there are sufficient other wage credits to establish a valid claim. See 871 IAC 24.27(96). Wage credits earned with the part-time employer that was quit may not be used on the claim until such time as the individual requalifies by earning ten times the weekly benefit amount in insured wages after the disqualifying separation. Mr. Combs has base period wage credits in employment other than with PBS. This matter shall be remanded to Claims to determine whether he has sufficient other wage credits to establish a valid claim.

DECISION:

The representative's decision dated May 26, 2005, reference 01, is hereby affirmed. Mr. Combs voluntarily quit his part-time employment for no good cause attributable to the employer. Wage credits earned with PBS may not be used on the claim until such time as he requalifies for benefits by earning ten times his weekly benefit amount in insured wages. This matter is remanded to Claims to determine if Mr. Combs has sufficient other wage credits to establish a valid claim.

cfc/pjs