

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KYDE C RATLIFF

Claimant

MASTERSON PERSONNEL INC

Employer

APPEAL NO: 12A-UI-03695-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 02/12/12

Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

The claimant appealed a department decision dated April 2, 2012, reference 01, that held he voluntarily quit without good cause attributable to his employer on September 27, 2011, and benefits are denied. A telephone hearing was held on April 25, 2012. The claimant participated. Jim Robertson, Unemployment Operations Manager, participated for the employer.

ISSUES:

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

Whether claimant is able and available for work.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant began working his first assignment on February 14, 2011. After working a series of assignments, he last worked an assignment at Aspen Hills in Garner, Iowa from September 8 to September 27, 2011. The claimant had a transportation problem when his truck broke-down on September 12. An office worker provided him with a ride until September 27 when he couldn't do it anymore. Claimant left work early on the 27th with someone in order to get home and failed to return to work.

Recently, claimant began working an assignment for the employer beginning April 19, 2012 at Aeron Manufacturing where he had worked before. He continues this employment thru the date of this hearing.

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 September 27, 2011.

The claimant knew when he took the assignment on September 8 he was responsible for transportation to and from his place of employment. His loss of transportation is a good personal reason for not making it to work, but it is not good cause for quitting employment.

Iowa Code section 96.4-3 provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

The administrative law judge further concludes claimant is able and available for work based on his recent re-employment with the employer.

DECISION:

The department decision dated April 2, 2012, reference 01, is affirmed. The claimant voluntarily quit without good cause due to a loss of transportation on September 27, 2011. 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 the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs