

**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**

**CATRINA S JOHNSON
1641 W 37TH ST
DAVENPORT IA 52806-5629**

**PRN STAFFING INC
3122 MAPLEWOOD LN
IOWA CITY IA 52245**

**Appeal Number: 06A-UI-01945-S2T
OC: 01/15/06 R: 04
Claimant: Appellant (1)**

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:

Catrina Johnson (claimant) appealed a representative's February 10, 2006 decision (reference 02) that concluded she was not eligible to receive unemployment insurance benefits because she had voluntarily quit employment with PRN Staffing (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 7, 2006. The claimant participated personally and through her mother, Dorothy Johnson. The employer participated by Kathleen Nicholson, Owner, and Shauna Yoder, Office Manager.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was hired on March 30, 2005, as a part-time temporary licensed practical nurse. The claimant was assigned to work for nine days beginning January 14, 2006. The location was over two hours from the claimant's residence. The claimant agreed to stop by a furniture store where the employer left written directions to the job site. The claimant did not appear for work for nine days and the employer did not hear from the claimant. The employer repeatedly called the claimant on her cellular telephone and left messages. The claimant did not return the employer's calls. Continued work was available had the claimant appeared for the job.

On March 1, 2006, the claimant telephoned the employer asking if she could be assigned to a job. She told the employer she did not appear for work because she did not have gas money and lost her cellular telephone.

At the appeal hearing the claimant testified she left a message for the employer that she was unable to find the directions and could not go to the work site. She also testified that she did not have gas money to go to the job site.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant voluntarily quit without good cause attributable to the employer. For the following reasons the administrative law judge concludes she did.

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.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intention to voluntarily leave work was evidenced by her actions. She did not attempt to appear for work or seek help in

finding the workplace. When an employee quits work because she lacks transportation, her leaving is without good cause attributable to the employer. The claimant left work because she did not have gas money. Her leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's February 10, 2006 decision (reference 02) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are denied.

bas/kjw