

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PATRICIA K HICKS**

Claimant

**APPEAL NO. 06A-UI-09999-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ACCESS DIRECT TELEMARKETING INC**

Employer

**OC: 12/18/05 R: 04  
Claimant: Appellant (1)**

Section 96.5(1) - Quit

**STATEMENT OF THE CASE:**

The claimant, Patricia Hicks, filed an appeal from a decision dated October 12, 2006, reference 04. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on October 25, 2006. The claimant participated on her own behalf. The employer, Access Direct, participated by Center Manager Heather Hoyt and was represented by TALX in the person of Mike Sloan.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Patricia Hicks was employed by Access Direct from April 10 until September 18, 2006. She was a part-time insurance agent. Originally the claimant had been hired to work out of the Coralville, Iowa, office. In late August the employees were notified the office would be relocating to Cedar Rapids, Iowa, approximately 25 miles away.

Ms. Hicks agreed to the relocation but shortly after starting at the new center, she realized it was not feasible in terms of fuel and childcare costs. She submitted her resignation on September 18, 2006, to the human resources representative at the Coralville, Iowa, office. Continuing work was available to her had she not resigned.

**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(30) 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:

(30) The claimant left due to the commuting distance to the job; however, the claimant was aware of the distance when hired.

The claimant quit because of the commuting distance to the job. She had agreed to commute to the new location when first informed. Under the provisions of the above Administrative Code section, this is not good cause attributable to the employer for quitting. The claimant is disqualified.

**DECISION:**

The representative's decision of October 12, 2006, reference 04, is affirmed. Patricia Hicks is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

---

Bonny G. Hendricksmeier  
Administrative Law Judge

---

Decision Dated and Mailed

bgh/cs