

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JESSICA A GEARY**  
Claimant

**APPEAL NO: 14A-UI-12517-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SOURCEONE CLEANING SOLUTIONS LLC**  
Employer

**OC: 10/26/14**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the November 26, 2014, reference 01, decision that denied benefits to the claimant. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on December 30, 2014. The claimant participated in the hearing. Eric Hartgrave, Owner, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a part-time custodian for Sourceone Cleaning Solutions from December 9, 2013 to September 23, 2014. She voluntarily left her employment after being notified the employer lost one of its biggest contracts.

The employer lost its contract with Kinze Manufacturing effective October 1, 2014. The employer notified employees of the loss of the contract at a meeting September 23, 2014 at 5:30 p.m. Employees were told the last day they would work that contract was September 30, 2014 and asked employees to continue working through that date.

The claimant was usually scheduled to work from 5:30 p.m. to 9:00 p.m. but occasionally worked from 1:00 to 2:00 p.m. or 2:00 to 3:00 p.m. as well. After the meeting at 5:30 p.m. the claimant clocked out and left at 6:01 p.m. She did not speak to the supervisor before leaving or return to finish the Kinze contract or call the employer September 24, 25, or 26, 2014. The claimant stated she lost her transportation after September 23, 2014 and still does not have transportation.

The employer had other cleaning contracts with other commercial companies and was able to continue the employment of every employee who continued their employment.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(29) 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 § 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 § 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:

(29) The claimant left in anticipation of a layoff in the near future; however, work was still available at the time claimant left the employment.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

While the employer lost one of its biggest contracts and the one the claimant was currently assigned to work, there were at least five more days of work available at that location, and the employer continued the employment of all the remaining employees after the Kinze contract ended September 30, 2014. The claimant stated she left early and did not return to work after September 23, 2014 because of a loss of transportation and still does not have transportation, a fact which would make her unable and unavailable for work as required to be eligible for unemployment insurance benefits regardless. Because the employer had continuing work available when the claimant left her employment, the administrative law judge concludes the claimant has not demonstrated that her voluntary leaving was due to the employer. Therefore, benefits are denied.

**DECISION:**

The November 26, 2014, reference 01, decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

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