

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRIAN L CALDWELL
Claimant

APPEAL NO. 07A-UI-08845-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

RIVERSIDE STAFFING SERVICES INC
Employer

**OC: 08/12/07 R: 04
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Brian L. Caldwell (claimant) appealed a representative's September 7, 2007 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Riverside Staffing Services, Inc. (employer) would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on October 2, 2007. The claimant participated in the hearing. Carrie Minch, a senior staffing specialist, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive unemployment insurance benefits, or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The employer is a temporary staffing firm. The claimant registered to work for the employer's clients. The employer assigned the claimant to a long-term job at Steel Warehouse. The claimant started this job assignment on August 22, 2006. The claimant does not have a driver's license and relied on a friend to get to work. On December 1, 2006, the claimant did not have a ride to work. After the December 1 absence, Steel Warehouse ended the claimant's assignment because of on-going attendance issues.

The employer assigned the claimant to another job. This job was a long-term assignment that was 12 to 15 miles from the claimant's residence. The claimant accepted the job and took a taxi to work the first day of work, December 21. The claimant walked home after his shift because the taxi cost too much. The claimant did not return to work at this job assignment because he did not have a way to get to work.

The claimant established a claim for unemployment insurance benefits during the week of August 12, 2007. Prior to filing his unemployment insurance claim, the claimant has not earned ten times his weekly benefit amount from subsequent employment.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. The facts establish the claimant voluntarily quit a long-term job assignment on December 22, 2006. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive unemployment insurance benefits. Iowa Code § 96.6-2.

The law presumes a claimant voluntarily quits employment without good cause when he leaves because of transportation problems or does not have transportation to work. 871 IAC 24.25(1). When the claimant accepted the long-term job assignment, he knew the job was 12 to 15 miles from his residence. After the claimant worked one day, the evening shift December 21/22, he concluded it cost him too much to get to work. The claimant established compelling personal reasons for quitting. For unemployment insurance purposes, the claimant quit for a reason that does not qualify him to receive unemployment insurance benefits.

As of August 12, 2007, the claimant had not earned ten times his weekly benefit amount, or \$2,000.00. Therefore, as of August 12, 2007, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's September 7, 2007 decision (reference 01) is affirmed. The claimant voluntarily quit a long-term assignment on December 22, 2006, for reasons that do not qualify him to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of August 12, 2007. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw