

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JESSE DELACRUZ

Claimant

APPEAL NO: 08A-UI-02975-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

KELLY SERVICES INC

Employer

**OC: 02-24-08 R: 02
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the March 21, 2008, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on April 9, 2008. The claimant participated in the hearing. The employer did not provide a phone number prior to the hearing and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice.

ISSUE:

The issue is whether the claimant voluntarily left his 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 full-time production worker for Kelly Services last assigned to Specialty Cookies from September 2007 to February 22, 2008. He believed he would be reassigned back at Kraft in Mason City January 23, 2008, but on January 21, 2008, the employer notified him that Kraft did not want him to return. The claimant did not have a license so his mother had to drive him to work in Clear Lake during the winter weather months and he was concerned for her safety. He was also concerned about the high price of gas and consequently gave Kelly Services a two-week notice that he was going to look for another job and quit effective February 22, 2008. The claimant testified the employer did not provide sufficient safety equipment and that also contributed to his decision to leave his employment after five months.

REASONING AND CONCLUSIONS OF LAW:

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

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.

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 claimant made an argument regarding safety equipment, he purchased his own equipment and it appears the main reason for his leaving was the fact his mother had to drive him to work in inclement weather, the high price of gas and the fact that he was not allowed to return to work at Kraft in Mason City in January 2008. Those issues speak more to a dissatisfaction with the work situation than with unlawful, intolerable or detrimental working conditions. Under these circumstances the administrative law judge cannot conclude that the claimant's leaving was for good cause attributable to the employer as defined by Iowa law. Therefore, benefits are denied.

DECISION:

The March 21, 2008, reference 01, decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs