

**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**

**JENNIFER M GOMEZ
210 SW FULTON DR
DES MOINES IA 50315**

**MARSDEN BLDG MAINTENANCE LLC
ATTN JEFF ALLEN
2801 BELL AVE
DES MOINES IA 50321**

**Appeal Number: 04A-UI-07915-SWT
OC: 06/13/04 R: 02
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:

The claimant appealed an unemployment insurance decision dated July 12, 2004, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on August 16, 2004. The parties were properly notified about the hearing. The claimant participated in the hearing with her representative, Mary Gomez. No one participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

The employer is a building maintenance with cleaning accounts with different businesses in the Des Moines area. The claimant worked as a janitor for the employer from December 2001 to May 6, 2004. The claimant had worked on several accounts during her employment. The last account she worked at was at the Principal Financial building. Her work schedule was

10:00 a.m. to 2:00 p.m. The claimant has a mental disability and is not able to drive. She relied on her parents for transportation to and from work.

In early May 2004, the employer informed the claimant that she being transferred to a different assignment. The new assignment was at Grand View College and her starting time was 6:00 a.m. The claimant was not able to accept the assignment because it was difficult for her parents to drive her to work. She told her supervisor that she would not have transportation to get to the new assignment but was informed that there was no other place for her to work. The claimant quit employment because she had no transportation.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit 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.

The unemployment insurance rules provide that a claimant who quits employment due to transportation problems is presumed to have voluntarily quit employment without good cause attributable to the employer. 817 IAC 24.25(1). In this case, the claimant was not guaranteed any specific work location or schedule. Good cause for quitting employment has not been shown in this case.

DECISION:

The unemployment insurance decision dated July 12, 2004, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

saw/kjf