

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAWN C STEADMAN
Claimant

APPEAL NO: 10A-UI-12682-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARETECH INC
Employer

**OC: 08/01/10
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Dawn C. Steadman (claimant) appealed a representative's September 3, 2010 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from CareTech, Inc. (employer). Hearing notices were mailed to the parties' last-known addresses of record for a telephone hearing to be held on October 28, 2010. The claimant received the hearing notice and responded by calling the Appeals Section on October 20, 2010. She indicated that she would be available at the scheduled time for the hearing at her telephone number of record. However, when the administrative law judge called that number at the scheduled time for the hearing, the phone was no longer in service and the claimant was not available; therefore, the claimant did not participate in the hearing. The employer responded to the hearing notice and indicated that Jason Velinsky would participate as the employer's representative with one other witness. When the administrative law judge contacted the employer for the hearing, Mr. Velinsky agreed that the administrative law judge should make a determination based upon a review of the information in the available information. Based on a review of the available information 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 for a good cause attributable to the employer?

FINDINGS OF FACT:

After a prior period of employment with the employer, the claimant most recently started working for the employer on August 16, 2008. She worked full time as a client caregiver; her wages were reported in Iowa. Her last day of work was February 24, 2010. On February 19 the claimant had called and reported that she was quitting, effective immediately, but she did agree to work several more days to train a new caregiver for the claimant's client. The reason the claimant quit was that her vehicle had broken down and she had no transportation for work.

The claimant suggested in her appeal that she had other employment after her separation from the employer. However, Agency records do not reflect any potentially requalifying wages with some other employer after February 24, 2010.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1.

Rule 871 IAC 24.25 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. Bartelt v. Employment Appeal Board, 494 N.W.2d 684 (Iowa 1993); Wills v. Employment Appeal Board, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. Quitting due to a loss of transportation is a disqualifying reason for quitting. 871 IAC 24.25(1). The claimant has not satisfied her burden. Benefits are denied until or unless she has requalified. If the claimant has some other evidence that she has earned at least ten times her weekly benefit amount in insured wages with another employer since February 24, 2010, she can present such evidence to a representative at her local Agency office and indicate she is seeking to establish requalification.

DECISION:

The representative's September 3, 2010 decision (reference 01) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of February 24, 2010, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs