

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARTIN L MURRAY**

Claimant

**APPEAL NO: 10A-UI-02239-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**STORY CONSTRUCTION CO**

Employer

**OC: 02/08/09**

**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.25(1) – Lack of Transportation

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated February 9, 2010, reference 04, that held he voluntarily quit without good cause attributable to his employer on December 28, 2009, and benefits are denied. A telephone hearing was held on March 30, 2010. The claimant participated. Jan Lemaster, Payroll Administrator and Steve Tinney, C.F.O., participated for the employer.

**ISSUE:**

Whether the claimant voluntarily quit without good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant began work as a full-time construction employee on August 6, 2008 and last worked on December 28, 2009. The claimant had been paying expense money to a co-worker to provide transportation to work. The claimant called the employer on December 29 to advise he lost his ride to work, and he did not have any other means of transportation to work. The employer responded that his lack of transportation to work would mean a termination from employment.

**REASONING AND CONCLUSIONS OF LAW:**

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.

871 IAC 24.25(1) 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 section 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 section 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:

(1) The claimant's lack of transportation to the work site unless the employer had agreed to furnish transportation.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to his employer on December 28, 2009 when he lost his ride to work.

The claimant got a ride to work with a co-employee, and his termination from employment is based on a lack of transportation to work that is a voluntary quit without good cause attributable to the employer.

**DECISION:**

The department decision dated February 9, 2010, reference 04, is affirmed. The claimant voluntarily quit without good cause on December 28, 2009. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

---

Randy L. Stephenson  
Administrative Law Judge

---

Decision Dated and Mailed

rls/css