

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEBRA R TURNER
Claimant

APPEAL NO: 13A-UI-14183-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

COLONY BRANDS INC
Employer

OC: 09/08/13
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's December 19, 2013 determination (reference 05) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit this employment for reasons that do not qualify her to receive benefits. The claimant participated at the January 21 hearing. Lynn Mathison, the human resource manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The employer hired the claimant as a seasonal employee for a 7:00 a.m. to 3:00 p.m. shift. The claimant assumed she would be working 40 hours or more a week.

The claimant started working on October 29, 2013. During orientation, the employer explained the definition seasonal employee. The claimant worked 16 hours this week. The employer sent her home early three days. The claimant called on October 31 to report she was unable to work.

The week of November 6 through 8, the claimant worked 38.33 hours. The week of November 11 through 15, she worked 31.99 hours, but she did not work on November 14. Before she was hired, the claimant informed the employer she was unable to work this day. The week of November 18 through 22, the claimant worked 29.72 hours. She called the employer on November 18 to report she was unable to work. The employer sent her home at 2:00 p.m. on November 21 and at 1:00 p.m. on November 22.

The claimant understood she had been hired to work during the employer's busy season. She did not understand why she was sent home early. After evaluating her situation, the claimant concluded that when she did not work 40 hours a week it cost her too much to drive to work.

On November 24, the claimant informed the employer she was quitting effective immediately. The claimant quit because of family issues, the distance she drove to work and the cost of driving to work. The claimant drove 82 miles a day for work. It cost her \$80.00 a week to drive to work and she earned \$9.75 an hour. The claimant concluded it cost her too much to drive to work when she was not working 40 hours a week.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). The claimant quit on November 24, 2013. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

The claimant asserted she quit in part because she was not working 40 hours a week as she assumed she would when she accepted the seasonal job. The claimant did not consider that she called off on November 14 and 18. If the claimant had worked on November 14, she may have worked 40 hours the week ending November 15. If the claimant had worked on November 18 she may have worked almost 38 hours the week ending November 22. After the claimant's first week of employment she was scheduled to work more than 35 hours a week. Many employers consider full time as working more than 32 hours a week.

The claimant's concern about driving 82 miles a day or 90 minutes a day for work is legitimate, but she knew the distance to work and her hourly wage when she accepted employment. The claimant established personal reasons for quitting, but her reasons do not qualify her to receive benefits. As of November 24, 2013, the claimant is not qualified to receive benefits.

DECISION:

The representative's December 19, 2013 determination (reference 05) is affirmed. The claimant voluntarily quit her employment for personal reasons that do not qualify her to receive benefits. As of November 24, 2013, the claimant is disqualified from receiving unemployment insurance benefits. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css