

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**LORINE S BLASSINGAME**

Claimant

**APPEAL 15A-UI-05041-EC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**QPS EMPLOYMENT GROUP INC**

Employer

**OC: 03/22/15**

**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quit  
Iowa Admin. Code r. 871-24.25(1) – Transportation

**STATEMENT OF THE CASE:**

The claimant/appellant, Lorine Blassingame, filed an appeal from the April 23, 2015, (reference 04) unemployment insurance decision that denied benefits based upon her voluntarily quitting her employment due to her loss of reliable transportation. The parties were properly notified of the hearing. A telephone hearing was held on June 4, 2015. The claimant participated. The employer, QPS Employment Group, Inc., participated through Rhonda Hefter de Santisteban, HR Manager; and Darlene Weber, Branch Manager.

**ISSUE:**

Was the separation a voluntary quit without good cause?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a production worker, packaging cookies at Michael's Cookies in Clear Lake, Iowa, from February 26, 2015. Her employment ended on March 16, 2015, when she repeatedly missed work due to personal transportation issues. The last day she worked for this employer was March 12, 2015. The claimant lives in Charles City, Iowa. The distance between the claimant's home and Michael's Cookies was 40 miles. The claimant was aware of this distance before she began this employment.

The claimant initially worked a regular full-time schedule, working from 6:30 a.m. to 2:30 p.m., Monday through Friday. Then, her hours varied, averaging 19 hours per week. She was occasionally scheduled to work on a Saturday.

On March 5, 2015, the claimant reported transportation problems. On March 13, 2015, the claimant called Darlene Weber and asked if other work was available, due to her transportation problems. On March 14, 2015, the claimant was a "no-call/no-show" when she did not report for a scheduled shift and did not call in to properly report her absence.

On March 16, 2015, the claimant did not report for work, but called Ms. Weber and told her that she did not have transportation to travel to work. The claimant knew that her employment was over, due to her continuing transportation problems. The claimant ended her employment. She communicated her intention to leave this employment, saying that she was not able to continue her employment, due to her lack of transportation. She was not discharged. Work remained available to her with this employer if she had reliable transportation.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant's separation from the employment was without good cause attributable to the employer.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(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 § 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 § 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 claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). The undisputed evidence demonstrates that the claimant left her employment due to lack of transportation from her home to the work site.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). The credible relevant evidence shows that the claimant communicated her intention to quit, and she carried out that intention, all due to her ongoing transportation issues.

**DECISION:**

The April 23, 2015, (reference 04) unemployment insurance decision is affirmed. The claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Emily Gould Chafa  
Administrative Law Judge

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Decision Dated and Mailed

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