

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEBRA A OLIVER
Claimant

APPEAL NO. 07A-UI-02954-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

VICTOR PLASTICS INC
Employer

**OC: 12/17/06 R: 03
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated December 13, 2006, reference 04, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on April 9, 2007. The parties were properly notified about the hearing. The claimant participated in the hearing. Jackie McAllister participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked for the employer as a machine operator from August 30, 2006, to February 13, 2007. The claimant had to commute about 8 miles one way from home to work. She intended to move to North Liberty, Iowa, where the plant is located, but that did not work out.

The claimant did not have transportation and was required to take a taxi cab from home to work and back. This ended up costing the claimant about \$110.00 per week. The claimant quit her employment because she could no longer afford the cost of commuting. She also believed that she had another job lined up through a staffing company that involved working in the laundry department at the University of Iowa hospital. The claimant gave the employer two weeks notice that she was quitting. When she contacted the staffing company at the end of the two weeks, there was no work available and the claimant became unemployed since she had given the employer her notice and no longer wanted to commute.

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 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

The unemployment law provides that a claimant is not disqualified if she left employment in good faith for the sole purpose of accepting other or better employment, which the individual did accept, and the individual performed services in the new employment. Iowa Code section 96.5-1-a. In this case, the claimant accepted a job with the staffing company but did not perform services in the new job because the job fell through.

The rules provide that a claimant who quits work because of the commuting distance to the job but was aware of the commuting distance when hired is considered to have quit employment without good cause attributable to the employer. 871 IAC 24.25(30). The rule applies since the claimant knew the commuting distance when she was hired.

DECISION:

The unemployment insurance decision dated December 13, 2006, reference 04, 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.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs