

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JULIAN L KROLL
Claimant

APPEAL NO. 10A-UI-00239-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**PER MAR SECURITY & RESEARCH COP
PER MAR SECURITY SERVICES**
Employer

OC: 11-29-09
Claimant: Appellant (4)

Iowa Code § 96.5(1)g – Voluntary Leaving/Requalification

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the December 24, 2009, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on February 24, 2010. The claimant did not participate. The employer did participate through Sheryl McFall, Human Resources Payroll Specialist.

ISSUE:

Did the claimant voluntarily quit his employment without good cause attributable to the employer and has he requalified for benefits?

FINDINGS OF FACT:

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: Claimant was employed as a security officer full time beginning January 10, 2009 through June 19, 2009 when he voluntarily quit by failing to continue to report to work. The claimant knew the commuting distance to the job when he was hired. The claimant has requalified for benefits since the separation from Per Mar Security & Research Corporation (account number 040781).

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment without good cause attributable to the employer but has requalified for benefits.

Iowa Code § 96.5-1-g 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. But the individual shall not be disqualified if the department finds that:

g. The individual left work voluntarily without good cause attributable to the employer under circumstances which did or would disqualify the individual for benefits, except as provided in paragraph "a" of this subsection but, subsequent to the leaving, the individual worked in and was paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2) (amended 1998).

The claimant knew how long the commute was when he was hired and the employer never guaranteed him any other assignment. Thus, his quitting due to the commute distance was not good cause attributable to the employer for leaving his employment. However, the administrative law judge further concludes from information contained in the administrative record that the claimant has requalified for benefits since the separation from this employer. Accordingly, benefits are allowed and the account of the employer (account number 040781) shall not be charged.

DECISION:

The December 24, 2009, reference 01, decision is modified in favor of the appellant. The claimant quit without good cause attributable to the employer, but has requalified for benefits since the separation. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer (040781) shall not be charged.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/css