

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WENDY S COOK
Claimant

APPEAL NO. 13A-UI-04767-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

COMFORT CARE MEDICARE INC
Employer

OC: 03/03/13
Claimant: Appellant (2-R)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated April 12, 2013, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on May 28, 2013. Claimant participated. Employer participated by Rose Miller, Office Manager; Lorene Geiger, Executive Assistant and Scheduler and Jennifer Miller, Scheduler. Claimant failed to respond to the hearing notice and did not participate.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on December 26, 2012. Claimant lost her transportation to work. Employer gave claimant three weeks to resolve the transportation issues. Claimant did not obtain transportation until January 8, 2013. Employer had replaced claimant by that time. Employer requires employees to maintain their own reliable transportation.

Claimant worked part time.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she lost her transportation to work. This is not good cause attributable to employer for a separation. However, claimant left part time work and has credits from other employment in her wage history. Claimant may be eligible based on other employer's credits.

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 24.27 provides:

Voluntary quit of part-time employment and requalification. An individual who voluntarily quits without good cause part-time employment and has not requalified for benefits following the voluntary quit of part-time employment, yet is otherwise monetarily eligible for benefits based on wages paid by the regular or other base period employers, shall not be disqualified for voluntarily quitting the part-time employment. The individual and the part-time employer which was voluntarily quit shall be notified on the Form 65-5323 or 60-0186, Unemployment Insurance Decision, that benefit payments shall not be made which are based on the wages paid by the part-time employer and benefit charges shall not be assessed against the part-time employer's account; however, once the individual has met the requalification requirements following the voluntary quit without good cause of the part-time employer, the wages paid in the part-time employment shall be available for benefit payment purposes. For benefit charging purposes and as determined by the applicable requalification requirements, the wages paid by the part-time employer shall be transferred to the balancing account.

DECISION:

The decision of the representative dated April 12, 2013, reference 02, is reversed and remanded. This matter is remanded to determine eligibility based on credits from other employers. Employer's account shall not be charged.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs