

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RANDY D JAHNKE
Claimant

APPEAL NO: 09A-UI-05943-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PROCTOR MECHANICAL CORPORATION
Employer

OC: 03/15/09
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Randy D. Jahnke (claimant) appealed a representative's April 10, 2009 decision (reference 02) that concluded he was not qualified to receive benefits, and the account of Proctor Mechanical Corporation (employer) would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 13, 2009. The claimant participated in the hearing. Todd White, Tesha Thrailkill and Deb Warne appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits, or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer in October 2006. The claimant worked as a full-time sheet metal worker. The claimant worked the majority of the time at the employer's shop. For the last several weeks of his employment, the employer needed and assigned the claimant to work at a job site in Carroll, Iowa. The claimant and his co-workers worked Monday through Thursday. The claimant drove each day to Carroll, which was more than two hours from his residence. Some employees met in Grimes and carpooled to Carroll. The employer did not provide transportation to job sites.

The evening of March 10, the claimant's vehicle broke down. Since the claimant did not return to his residence until midnight, he did not contact the employer at midnight. The claimant called White the morning of March 11 (6:00 a.m.) to report he was unable to get to work because of transportation problems. The claimant asked the employer to assign him to a job closer to Des Moines or at the shop. White needed employees at the Carroll job site. He told the claimant that the employer needed the claimant at the Carroll job site and would not assign him

to another job site. The claimant asked for his supervisor's phone number so he could get phone numbers of his co-workers.

After talking to White, the claimant called his supervisor, Dent, and asked for his co-workers' phone numbers so he could try to arrange a ride to work. Dent indicated he would have someone call the claimant with this information. When no one contacted the claimant with any co-workers' phone numbers, the claimant did not contact the employer again.

The claimant understood that if he reported to work the next day, March 12, he would have continued employment. The claimant did not report to work again. The claimant cannot afford to have the transmission on his vehicle replaced and he was unable to borrow a vehicle to get to work.

The employer's policy informs employees that if they have three consecutive days of not calling or reporting to work, the employer concludes an employee has abandoned his job and ends the employment relationship. The claimant did not call or report to work on March 12 or 16, 2009. The employer concluded the claimant quit his employment when he failed to return to work anytime after March 10, 2009.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code sections 96.5-1, 2-a. The claimant asserted the employer discharged him when the employer would not assign him to another job. Even though the employer told the claimant he would not be assigned to another job, the claimant admitted he understood he had continued employment if he reported to work within a couple of days. For unemployment insurance purposes, the claimant voluntarily quit his employment. When a claimant quits, he has the burden to establish he leaves employment for reasons that qualify him to receive benefits. Iowa Code section 96.6-2.

The law presumes a claimant voluntarily quits employment without good cause when he leaves employment because he does not have transportation to the work site. 871 IAC 24.25(1). After the claimant's vehicle broke down the evening of March 10, he did not have transportation to work and did not make the necessary arrangements to get to work on March 12 or the following week. The claimant's failure to follow through and obtain the phone numbers of his co-workers in an attempt to carpool further supports the conclusion that he quit his employment. The claimant established compelling reasons for failing to return to work. These reasons do not, however, qualify him to receive benefits. As of March 15, 2009, the claimant is not qualified to receive benefits.

DECISION:

The representative's April 10, 2009 decision (reference 02) is affirmed. The claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of March 15, 2009. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs