

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KATHLYN R HARTMAN
Claimant

APPEAL NO. 09A-UI-04926-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMP ASSOCIATES – MARSHALLTOWN
Employer

OC: 02/22/09
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Kathlyn R. Hartman filed a timely appeal from an unemployment insurance decision dated March 24, 2009, reference 01, that disqualified her for benefits. After due notice was issued, a telephone hearing was held April 21, 2009 with Ms. Hartman participating. Grinnell Office Manager Nancy Mullaney participated for the employer, Temp Associates – Marshalltown.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Kathlyn R. Hartman began an assignment with Capital Resources for Temp Associates – Marshalltown in June or July 2008. Further work was still available for her when she resigned on September 19, 2008. She resigned because the commuting distance made the job unprofitable. Further work was available had she not resigned.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the claimant left work with good cause attributable to the employer. She did not.

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.

The evidence in the record establishes that the claimant left work because of the commuting distance but that she was aware of the commuting distance at the time that she had accepted the assignment. A resignation under such circumstances is considered to be without good cause attributable to the employer. See 871 IAC 24.25(30).

DECISION:

The unemployment insurance decision dated March 24, 2009, reference 01, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs