

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

BRENT M LOGAN  
329 S DELAWARE AVE  
MASON CITY IA 50401

EXPRESS SERVICES INC  
PO BOX 720660  
OKLAHOMA CITY OK 73172

Appeal Number: 06A-UI-00039-DWT  
OC: 11/20/05 R: 02  
Claimant: Appellant (1)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Brent M. Logan (claimant) appealed a representative's December 22, 2005 decision (reference 02) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Express Services, Inc. (employer) would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 18, 2005. The claimant participated in the hearing. Andre Smith, a staffing consultant, 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 unemployment insurance benefits, or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The claimant initially worked for the employer from September 30, 2004 through March 14, 2005. During this time frame, the employer assigned the claimant to work at Graham. The claimant quit working for the employer on March 14, because he accepted a job with Graham. The claimant started working as an employee of Graham.

In May 2005, the claimant became unemployed and contacted the employer about a job. The employer assigned the claimant to a job at Larson Manufacturing. The claimant accepted the job at Larson Manufacturing even though he does not drive and had to find a way to work. The claimant knew a man who worked at Larson and rode with him for about month. When this person's job ended, the claimant found a ride with a couple who worked at Larson Manufacturing. The claimant rode with these people until they moved so they would not have to drive so far for work. The claimant then started riding with a young man. This person was not dependable. When the claimant had two absences, Larson Manufacturing warned the claimant that if he missed any more work, he would not have a job.

When the young man the claimant had been riding to work with quit, the claimant had no advance warning that he did not have a ride to work. The claimant understood Larson Manufacturing would not allow him to work if he had a third absence. Based on this understanding, the claimant did not contact Larson Manufacturing or the employer when he had his third absence. The claimant did not call Larson Manufacturing or the employer to let them know about his situation. The employer did not know anything was wrong until Larson Manufacturing contacted the employer on July 20 to ask why the claimant had not reported to work since July 14. The claimant contacted the employer on July 22 when he came to pick up his check. At that time the employer informed him the employer would not assign him to any job for a year because he had not contacted anyone when he "lost" his ride to work.

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 §§ 96.5-1, 2-a. The claimant voluntarily quit his employment when he failed to report to work or notify the employer or Larson Manufacturing after July 14 about his transportation situation. When a claimant quits he has the burden to establish he quit with good cause attributable to the employer. Iowa Code § 96.6-2.

The law presumes a claimant voluntarily quits without good cause when he quits because he does not have transportation to work. 871 IAC 24.25(1). The facts establish the claimant quit his assignment at Larson Manufacturing for reasons that do not qualify him to receive unemployment insurance benefits. Even though the claimant assumed he would not have a job at Larson Manufacturing when he accumulated three absences, the employer still had right to

know about the claimant's transportation problems. Even Larson Manufacturing may have given the claimant another chance under the circumstances.

DECISION:

The representative's December 22, 2005 decision (reference 02) is affirmed. The claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of November 20, 2005. 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.

dlw/kjw