

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LACRESHA V PACE
Claimant

APPEAL NO. 13A-UI-09384-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PINNACLE HEALTH FACILITIES XV11 L
Employer

OC: 07/07/13
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed a timely appeal from a representative's decision dated August 7, 2013, reference 03, which denied unemployment insurance benefits. After due notice, a telephone hearing was held on August 29, 2013. Claimant participated. The employer participated by Mr. Matt Edwards, Administrator.

ISSUE:

The issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Claimant was employed by the captioned rehabilitation center from March 18, 2013 until April 13, 2013 when she discontinued reporting for scheduled work due to loss of her driving privileges. Work continued to be available to the claimant, however, Ms. Pace did not report for continuing work.

REASONING AND CONCLUSIONS OF LAW:

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 24.25(1) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa

Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(1) The claimant's lack of transportation to the work site unless the employer had agreed to furnish transportation.

For the reasons that follow the administrative law judge concludes the claimant voluntarily left her employment with Pinnacle Health Facilities XVII without good cause attributable to the employer. The claimant left because she lost her driver's license and no longer had transportation to travel to and from the employer's facility. Ms. Pace was aware of where the job was located and knew it was her responsibility to provide transportation to and from the work place. Claimant's reasons for leaving were not attributable to the employer. Unemployment insurance benefits are withheld.

DECISION:

The representative's decision dated August 7, 2013, reference 03, is affirmed. The claimant left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount and is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs