

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

REBECCA S JORDAN
Claimant

APPEAL NO. 14A-UI-08776-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

R C CASINO LLC
Employer

**OC: 07/27/14
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit
Section 96.5-2-a – Discharge for Misconduct

STATEMENT OF THE CASE:

Rebecca Jordan (claimant) appealed a representative's August 19, 2014, decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits after her separation from employment with R.C. Casino (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for September 11, 2014. The claimant participated personally. The employer participated by Jason True, Director of Human Resources, and Shanna Jensen, Cage Manager.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on February 3, 2014, as a full-time cage cashier. The claimant signed for receipt of the employer's handbook on February 4, 2014. The employer's policy is that an employee who accumulates ten attendance points will be terminated. On June 18, 2014, the employer told the claimant she had accumulated 8.5 points. On June 19, 2014, the claimant properly reported her absence due to transportation issues. She earned one attendance point. On June 20, 2014, the employer sent the claimant a text asking if the claimant planned to work that day. The claimant responded, "The car is in the shop and still waiting on part that was ordered." The employer received no further interaction from the claimant. On June 22, 2014, the employer assumed the claimant had abandoned her job. The claimant did not have transportation to work until her next scheduled shift of June 25, 2014. Continued work was available had the claimant not resigned.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

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.

Iowa Admin. Code r. 871-24.25(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.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intention to voluntarily leave work was evidenced by her actions. She stopped appearing and quit work. When an employee quits work because of lack of transportation, her leaving is without good cause attributable to the employer. The claimant left work because she did not have transportation to work. Her leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's August 19, 2014, decision (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css