

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PHILLIP A HOPE**  
Claimant

**APPEAL NO: 13A-UI-13252-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**QPS EMPLOYMENT GROUP INC**  
Employer

**OC: 10/20/13**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.25(4) – Loss of Transportation

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated November 25, 2013, reference 03, that held he voluntarily quit without good cause attributable to the employer on June 5, 2013, and benefits are denied. A telephone hearing was held on December 19, 2013. The claimant did not participate. Rhonda Hefter, HR Supervisor, and Amelia Clark, Branch Manager, participated for the employer.

**ISSUE:**

Whether the claimant voluntarily quit without good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant worked on an indefinite assignment for the employer at Iowa Cold Storage as a full-time warehouse laborer beginning June 3, 2013. He last worked June 5. He called the branch manager on June 6 stating he would not be coming to work due to car trouble. The employer did not hear further from claimant, and he did not report for work. He was considered a voluntary quit.

Claimant failed to respond to the hearing notice. The UI Appeals C2T control system has no record of a claimant call requesting to participate in this matter. Claimant called at 10:45 a.m. as he failed to follow the hearing notice instruction.

**REASONING AND CONCLUSIONS OF LAW:**

871 IAC 24.26(19) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(19) The claimant was employed on a temporary basis for assignment to spot jobs or casual labor work and fulfilled the contract of hire when each of the jobs was completed. An election not to report for a new assignment to work shall not be construed as a voluntary leaving of employment. The issue of a refusal of an offer of suitable work shall be adjudicated when an offer of work is made by the former employer. The provisions of Iowa Code section 96.5(3) and rule 24.24(96) are controlling in the determination of suitability of work. However, this subrule shall not apply to substitute school employees who are subject to the provisions of Iowa Code section 96.4(5) which denies benefits that are based on service in an educational institution when the individual declines or refuses to accept a new contract or reasonable assurance of continued employment status. Under this circumstance, the substitute school employee shall be considered to have voluntarily quit employment.

The claimant's request to re-schedule the hearing is denied. His failure to read and follow the hearing notice instruction is not good cause to reopen the record and hold a new hearing.

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.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to his employer due to a loss of transportation on June 5, 2013.

The claimant knew transportation to the job was his responsibility, and his loss of transportation ended the job assignment that is a voluntary quit without good cause attributable to the employer.

**DECISION:**

The department decision dated November 25, 2013, reference 03, is affirmed. The claimant voluntarily quit without good cause on June 5, 2013. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible. Note: If claimant believes he has re-qualified for benefits since this employment separation, he should provide proof of wages to the department.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/pjs