

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CASSANDRA A WATSON
Claimant

APPEAL NO. 14A-UI-12358-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WINNEBAGO INDUSTRIES
Employer

OC: 11/02/14
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed a timely appeal from a representative's decision dated November 19, 2014, reference 01, which denied unemployment insurance benefits. After due notice was provided, a telephone hearing was held on December 18, 2014. Claimant participated. The employer participated by Ms. Susan Gardner, Personnel Administrator.

ISSUE:

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

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Cassandra Watson was employed by Winnebago Industries from October 7, 2013 until July 28, 2014 when she voluntarily left employment by failing to report for scheduled work for three consecutive days in a row and not notifying the employer. Ms. Watson was employed as a full-time electrical wire preparation worker and was paid by the hour.

After suffering a work injury, Ms. Watson was off work for a number of months until she was released by her physician to return to limited work of two hours per day. The employer complied with the doctor's limitations and scheduled Ms. Watson to work two hours per day. The claimant reported for one day's work on July 18, 2014 but did not return thereafter.

Ms. Watson decided to leave her employment with Winnebago Industries because she did not have independent transportation to and from the work place and did not wish to remain in the Forest City, Iowa area until her father finished his work shift, and the claimant could ride back home with him. Ms. Watson also felt that the price of gas was too expensive to justify her traveling from her home to Forest City, Iowa for only two hours' work and the claimant does not have a vehicle of her own.

After discontinuing to report for available employment, Ms. Watson is considered to have voluntarily quit her employment after she failed to report for scheduled work for three or more consecutive work days in a row and did not notify the employer in violation of company policy.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the evidence in the record establishes the claimant left employment with good cause attributable to the employer. It does not.

Iowa Code § 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(4), (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:

(4) The claimant was absent for three days without giving notice to employer in violation of company rule.

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

In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in a relationship of an employee with the employer from whom the employee has separated. 871 IAC 24.25. Leaving because of unlawful, intolerable or detrimental working conditions would be good cause. 871 IAC 24.26(3), (4). Leaving because of lack of transportation to the work site unless the employer had agreed to furnish transportation would not be good cause. See 871 IAC 24.25(1).

In the case at hand, the claimant was limited to two hours of work per day by doctor's orders and the employer accommodated her medical needs by assigning her to work two hours per day in accordance with the claimant's physician's directives. Ms. Watson chose to leave her employment with Winnebago Industries because she lacked transportation and did not wish to remain in the geographic area until another individual was off work that could provide her a ride back home. While the claimant's reasons for leaving her employment may have been good

cause reasons from her personal viewpoint, they were not good cause reasons 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 meets all other eligibility requirements of Iowa law.

DECISION:

The representative's decision dated November 19, 2014, reference 01, 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 meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs