

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KHALID TACHFINE
Claimant

APPEAL NO. 14A-UI-01859-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CALERIS INC
Employer

OC: 01/12/14
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Khalid Tachfine (claimant) appealed a representative's February 12, 2014, decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with Caleris (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for March 11, 2014. The claimant participated personally. The employer participated by Stacey Springer, Vice President of Employment.

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 November 10, 2013, as a full-time customer service representative. The claimant lived in Ottumwa, Iowa, and commuted one hour and twenty minutes each way to work. The claimant received a pay increase for being bilingual. He would receive a pay increase if he worked nine months and met certain qualifications.

In November 2013, the employer asked the claimant to drive to West Des Moines, Iowa, to provide training. The employer paid the claimant's transportation costs and mileage from Newton, Iowa, to West Des Moines, Iowa, and back. In January 2014, the employer asked the claimant to make four more training trips to West Des Moines, Iowa, and the claimant said he would go even though he did not want to go. The claimant did not like to travel in bad weather.

On January 13, 2014, the claimant was supposed to travel to West Des Moines, Iowa. He had an automobile accident in Ottumwa, Iowa. He had no transportation for two weeks. The claimant called the employer and told them about the accident. The claimant hoped the employer would offer to rent him a car or pay for part of the repair. The employer did not. The claimant quit work because of the icy road conditions, the distance to work, it cost him more to go to work than he was earning, and he thought he would receive a pay increase at three or six months.

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.

871 IAC 24.25(1), (30) and (13) provide:

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.

(30) The claimant left due to the commuting distance to the job; however, the claimant was aware of the distance when hired.

(13) The claimant left because of dissatisfaction with the wages but knew the rate of pay when hired.

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 his actions. He stopped appearing and quit work. When an employee quits work because of lack of transportation, because of a known commuting distance, or because he is dissatisfied with his wages and knew the rate of pay when hired, his leaving is without good cause attributable to the employer. The claimant left work because of lack of transportation, because of the commuting distance to work even though he knew that distance at the time of hire, and because he wanted a raise even though he knew the hourly wage when he was hired. His 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 February 12, 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