

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

JACKIE L HURD  
PO BOX 12  
LETTS IA 52754-0012

EXPRESS SERVICES INC  
PO BOX 720660  
OKLAHOMA CITY OK 73172

Appeal Number: 06A-UI-06028-CT  
OC: 12/04/05 R: 04  
Claimant: Appellant (1)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Jackie Hurd filed an appeal from a representative's decision dated June 2, 2006, reference 03, which denied benefits based on his separation from Express Services, Inc. After due notice was issued, a hearing was held by telephone on June 29, 2006. Mr. Hurd participated personally. The employer responded to the notice of hearing but the designated witness was not available at the number provided at the scheduled time of the hearing. The employer did not respond to the 8:03 a.m. voicemail message left by the administrative law judge until 8:15 a.m., after the hearing record was closed at 8:14 a.m. Because the employer did not provide good cause for not being available at the scheduled time, the administrative law judge declined to reopen the record.

#### FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Hurd began working through Express Services, Inc., a temporary placement service, in January of 2006. He was placed on a full-time, "temp-to-hire" assignment with Pickwick Manufacturing in Cedar Rapids, Iowa. At the time he accepted the assignment, Mr. Hurd was living 22 miles from work. In April, he moved to Letts, 70 miles from work.

On or about May 1, Mr. Hurd lost his driver's license. His license was suspended until such time as he pays delinquent tickets. He became separated from his employment because he could no longer drive himself to and from work. Continued work on the assignment would have been available if Mr. Hurd could have continued reporting.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Hurd was separated from employment for any disqualifying reason. He was hired for placement in temporary work assignments. An individual so employed must complete his last assignment in order to avoid the voluntary quit provisions of the law. See 871 IAC 24.26(19). Mr. Hurd did not complete his assignment with Pickwick Manufacturing and, therefore, the separation is a quit.

An individual who quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). The separation in this matter was initiated by Mr. Hurd when he lost his means of transportation to work. The employer was not responsible of providing his transportation to or from work. An individual who leaves employment due to the loss of transportation is presumed to have left employment for no good cause attributable to the employer. See 871 IAC 24.25(1). For the reasons stated herein, benefits are denied.

#### DECISION:

The representative's decision dated June 2, 2006, reference 03, is hereby affirmed. Mr. Hurd quit his employment for no good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility.

cfc/cs