

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**VINCE A JUNE**  
Claimant

**P J IOWA LC**  
Employer

**APPEAL NO. 20A-UI-01343-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 06/16/19**  
**Claimant: Appellant (1)**

Iowa Code Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Vince June filed a timely appeal from the February 11, 2020, reference 02, decision that disqualified him for benefits and that relieved the employer's account of liability for benefits, based on the deputy's conclusion that the Mr. June voluntarily quit on February 2, 2020 without good cause attributable to the employer. After due notice was issued, a hearing was held on March 2, 2020. Mr. June participated. The employer did not provide a telephone number for the hearing and did not participate.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Vince June was employed by P J Iowa, L.C., doing business as Papa John's, as a part-time pizza delivery driver. Mr. June began the employment in November 2019. Mr. June last performed work for the employer on January 25, 2020. The Papa John's employment was not supplemental in nature. Mr. June has no other employment at the time he held the Papa John's employment. Mr. June was responsible for providing his own transportation to and from the employment. As a condition of the employment, Mr. June was required to maintain access to and use of a personal motor vehicle for use in delivering pizzas for the employer. Mr. June was no longer able to continue in the employment after January 25, 2020, due to his loss of transportation. Before Mr. June was to report for his shift on January 26, 2020, local law enforcement authorities impounded Mr. June's vehicle in connection with an investigation of a suspected hit-and-run incident. Mr. June continues to be without use of his vehicle.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 698, 612 (Iowa 1980) and *Peck v. EAB*, 492 N.W.2d 438 (Iowa App. 1992). 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. See Iowa Administrative Code rule 871-24.25.

When a claimant separates from employment because the claimant lacks transportation to the work site the separation from the employment is presumed to be a voluntary quit without good cause attributable to the employer unless the employer had agreed to furnish transportation. See Iowa Admin. Code rule 871-24.25(1).

The evidence in the record establishes a voluntary quit that was without good cause attributable to the employer. Mr. June knew at the time he started the employment that he was required to not only be responsible for his own transportation to and from the workplace, but that he was required to maintain access to and use of a personal motor vehicle to use in performing his delivery duties. As of January 26, 2020, Mr. June lacked transportation to and from work and lacked transportation necessary to perform his regular work duties. Mr. June's loss of transportation was a voluntary quit without good cause attributable to the employer within the meaning of the law. Accordingly, Mr. June is disqualified for benefits until he has worked in and been paid wages for insured work equal to 10 times his weekly benefit amount. Mr. June must meet all other eligibility requirements. The employer's account shall not be charged for benefits.

#### **DECISION:**

The February 11, 2020, reference 02, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The quit was effective January 26, 2020. The claimant is disqualified for benefits until he has worked in and been paid wages for insured work equal to 10 times his weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged for benefits.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/scn