

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JODI C GONZALEZ
Claimant

APPEAL NO. 11A-UI-07372-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**NORTHWEST IOWA REGIONAL
HOUSING AUTHORITY**
Employer

**OC: 03/27/11
Claimant: Appellant (1)**

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Jodi Gonzalez, filed an appeal from a decision dated May 27, 2011, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on June 28, 2011. The claimant participated on her own behalf. The employer, Northwest Iowa Regional Housing Authority (NWIRHA), participated by Executive Director Lois Koelder and Housing Assistant Karen Rigby.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Jodi Gonzalez was employed by NWIRHA from April 7, 2010 until November 10, 2010 as a part-time cleaner. She was to come in one or two hours per week and clean three offices, a bathroom and a small kitchenette. The employer did not specify which days or hours she was to work but did expect her to be there at least once a week.

The claimant's last day of work was October 22, 2010. After that she did not appear for work. She had decided to quit and do cleaning on her own as self-employment. In addition, she did not feel it was cost effective to drive such a long distance to the office for only one or two hours of pay. At no time did she notify the employer of her decision to quit.

REASONING AND CONCLUSIONS OF LAW:

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.

871 IAC 24.25(19), (30) 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 § 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 § 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:

(19) The claimant left to enter self-employment.

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

The claimant quit because of the distance she had to drive and also because she found it more lucrative to be self employed doing cleaning closer to her home. Under the provisions of the above Administrative Code section, neither of these reasons constitutes good cause attributable to the employer for quitting. The claimant is disqualified.

DECISION:

The representative's decision of May 27, 2011, reference 01, is affirmed. Jodi Gonzalez is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs