

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

WILLIE KRANGAR
Claimant

EXPRESS SERVICES INC
Employer

APPEAL 15A-UI-09809-JCT
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/19/15
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 21, 2015, (reference 04) unemployment insurance decision that denied benefits based upon separation. The parties were properly notified about the hearing. A telephone hearing was held on September 16, 2015. The claimant participated personally. Although properly notified for the hearing, the employer elected not to participate. The administrative law judge took official notice of the administrative record, including fact-finding documents.

ISSUE:

Did the claimant voluntarily quit the employment with good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was last employed and performed services as a full-time warehouse worker for Quadgraphics in Waukee, Iowa. While on the assignment, the claimant had multiple issues related to his transportation; first his engine and transmission were causing issues for him, and then he lost his license for failure to pay a prior ticket. Consequently, the claimant lost available transportation options and had repeated attendance infractions, resulting in his removal from assignment on February 23, 2015. When the claimant asked for another assignment, he was offered one, with an effective start date of April 11, 2015. However, the claimant had still not resolved his transportation matters, and called the employer to notify that he could not work the assignment. Permanent separation from the employer also occurred as a result.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's separation from the employment was without good cause attributable to the employer.

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(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 § 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:

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

The employer removed the claimant from his assignment February 23, 2015, after he repeatedly missed work due to lack of transportation which caused repeated attendance issues. The claimant lost his license and had unreliable rides from West Des Moines to Waukee, where the assignment was located. The claimant returned to the employer and requested a new assignment. The claimant was offered a new assignment in light of his prior attendance history (associated with his transportation issues) that was to begin on April 11, 2015. The claimant called the employer and informed he would not be able to do the assignment because of his continued lack of transportation. Cognizant of the claimant's frustrations associated with his ongoing transportation issues, the administrative law judge concludes that based on the evidence presented, the claimant's leaving the employment may have been based upon good personal reasons, but it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits are denied.

DECISION:

The August 21, 2015, (reference 04) unemployment insurance decision is affirmed. The claimant voluntarily left the employment without 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 benefit amount, provided he is otherwise eligible.

Jennifer L. Coe
Administrative Law Judge

Decision Dated and Mailed

jlc/css