

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

DEBORAH SUMMERS  
APT 3  
1224 TREMONT AVE  
DAVENPORT IA 52803-4065

LF STAFFING SERVICES INC  
LABOR FINDERS  
c/o JON-JAY ASSOC INC  
PO BOX 182523  
COLUMBUS OH 43218-2523

Appeal Number: 06A-UI-05050-DWT  
OC: 04/16/06 R: 04  
Claimant: Respondent (2)

**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  
Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Labor Finders Staffing Services, Inc. (employer) appealed a representative's May 5, 2006 decision (reference 01) that concluded Deborah Summers (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant completed a job assignment and the employer did not have another job to assign her. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 25, 2006. The claimant participated in the hearing. Kimberly Rasche, a branch manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment with good cause attributable to the employer, or did the employer discharge her for reasons constituting work-connected misconduct?

FINDINGS OF FACT:

The claimant registered to work for the employer's clients on May 9, 2005. The last job the employer assigned the claimant was about ten miles from the claimant's residence. The claimant started this assignment on August 19, 2005. A supervisor who worked the same shift as the claimant gave her a ride to work each day. On September 23, this supervisor informed the claimant his hours were changing so he could no longer give her a ride to work. The supervisor asked the claimant to contact him if she was unable to find a way to work for her September 25 shift.

The claimant was next scheduled to work on September 25. The claimant contacted the supervisor and told him she had no way to get to work. The supervisor informed the claimant that if she did could not get to work, she no longer had a job. The claimant then contacted the employer to report she could no longer work at the job assignment because she did not have any transportation. The employer asked the claimant to contact the employer again when she had transportation so she could be assigned to another job.

The claimant established a claim for unemployment insurance benefits during the week of April 16, 2006. The claimant filed claims for the weeks ending April 22 through May 13, 2006. The claimant received her maximum weekly benefits of \$114.00 for each of these weeks.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quit employment without good cause attributable to the employer or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. In this case the claimant initiated her employment separation when she informed the employer's business client and the employer that she no longer had transportation and was unable to get to work. When the claimant accepted the assignment, she knew or should have known she was responsible for getting herself to work. Even when this job assignment ended, the claimant could not accept any other job because she did not have any means of transportation. Based on the facts of this case, the claimant quit because she did not have transportation to get to work. When a claimant's lack of transportation prevents her from working, the law presumes she has quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. 871 IAC 24.25(1). Therefore, as of April 16, 2006, the claimant is not qualified to receive unemployment insurance benefits.

If an individual receives benefits she is not legally entitled to receive, the Department shall recover the benefits even if the individual acted in good faith and is not at fault in receiving the overpayment. Iowa Code § 96.3-7. The claimant is not legally entitled to receive benefits for the weeks ending April 22 through May 13, 2006. The claimant has been overpaid \$456.00 in benefits she received for these weeks.

DECISION:

The representative's May 5, 2006 decision (reference 01) is reversed. The claimant initiated her employment separation when she could not get to work. The claimant's employment separation occurred for reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of April 16, 2006. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged. The claimant is not legally entitled to receive benefits for the weeks ending April 22 through May 13, 2006. The claimant has been overpaid and must repay a total of \$456.00 in benefits she received for these weeks.

dlw/kkf