

started on the 10:30 p.m. to 7:00 a.m. shift and carpooled with another employee. On approximately July 16, 2005, Jeld-Wen moved the claimant to the 8:00 p.m. to 5:00 a.m. shift. He did not have his own transportation but borrowed a car to get to work during his last month of employment. That car became unavailable, however, and he called the employer August 16, 2005, and said he was quitting because he did not have transportation. He did not ask the employer if he could move to a different shift so he could carpool with the employee he previously rode with and consequently the employer was not aware of the history of his situation with regard to transportation. The claimant did not contact the employer for further assignments after August 16, 2005.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment without good cause attributable to the employer.

Iowa Code Section 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(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 section 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 section 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 claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code Section 96.6-2 (amended 1998). The claimant left his employment because he did not have transportation to the job site. While the claimant initially carpooled with another employee, that arrangement ended when the claimant was moved to a different shift. Although it was unfortunate that the change in schedule interfered with the claimant's transportation, he was able to borrow a car for a month before it became unavailable to him and he failed to notify the employer of his transportation problems before he quit his job. If the claimant had discussed the situation with the employer it is likely it would have been able to make arrangements for him to work a different shift. Because he did not do so and could not provide his own reliable transportation, which was his responsibility, the administrative law judge must conclude the claimant voluntarily left his employment without good cause attributable to the employer and benefits must be denied.

DECISION:

The September 7, 2005, reference 01, decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are denied 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.

je/s