

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MUSTAFA A HASSAN
Claimant

APPEAL NO: 14A-UI-13258-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TPI IOWA LLC
Employer

OC: 11/30/14
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Mustafa A. Hassan (claimant) appealed a representative's December 18, 2014 (reference 02) decision that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment with TPI Iowa, L.L.C. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 21, 2015. The claimant participated in the hearing. Danielle Williams appeared on the employer's behalf. Ibrahim Abukar served as interpreter. 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 for a good cause attributable to the employer?

OUTCOME:

Affirmed. Benefits denied.

FINDINGS OF FACT:

The claimant started working for the employer on October 3, 2013. He worked full time as a production worker in the paint department on an overnight shift. His last shift of work was the shift that began on the evening of August 5 and ended on the morning of August 6. He voluntarily quit through a phone call to the employer's human resources supervisor on August 7. The claimant's reason for quitting was because his car had broken down and he no longer had any means of transportation to the employer, whose business was located about 50 miles from the claimant's home.

The claimant had some other minor concerns with some of the work, but those issues were not significant to his decision to leave; had he had transportation, he would have continued in his employment. The claimant's job was not otherwise in jeopardy had he been able to continue reporting for work.

The claimant did have some other employment after the end of his employment with this employer but Agency records indicate he has not yet earned ten times his weekly benefit amount in order to requalify for unemployment insurance benefits.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, he is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1. Rule 871 IAC 24.25 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. *Bartelt v. Employment Appeal Board*, 494 N.W.2d 684 (Iowa 1993); *Wills v. Employment Appeal Board*, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless he voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. Quitting due to a loss of transportation or because of the distance to the work, where the claimant knew the distance when he began his employment, is not a good cause for quitting attributable to the employer. Rule 871 IAC 24.25(1), (30). The claimant has not satisfied his burden. Benefits are denied.

DECISION:

The representative's December 18, 2014 (reference 02) decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. As of August 7, 2014 benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/can