

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DAMON L HATCHERSON**  
Claimant

**APPEAL NO. 17A-UI-11877-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CRST FLATBED REGIONAL INC**  
Employer

**OC: 10/15/17**  
**Claimant: Appellant (2)**

871 IAC 24.1(113)a – Separations From Employment  
Section 96.5-1 – Voluntary Leaving - Layoff

**STATEMENT OF THE CASE:**

Damon Hatcherson (claimant) appealed a representative's November 9, 2017, decision (reference 02) that concluded he was not eligible to receive unemployment insurance benefits after his separation from employment with CRST Flatbed Regional (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for December 8, 2017. The claimant participated personally. The employer participated by Stephanie Winters, Human Resource Specialist.

**ISSUE:**

The issue is whether the claimant was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired by CRST Van Expedited on April 25, 2013, as a full-time over-the-road driver. The claimant signed for receipt of the CRST Van Expedited's handbook on February 10, 2014. From February 20, 2017, to May 30, 2017, the claimant worked as a full-time over-the-road driver for CRST Flatbed Regional. He was laid off for lack of work and went back to work for CRST Van Expedited. Neither CRST Van Expedited nor CRST Flatbed Regional issued the claimant any warnings during his employment. The claimant had a clean driving record.

On October 13, 2017, 2017, while working for CRST Van Expedited, the claimant exited the interstate in Arizona. He was traveling five miles per hour, had his right turn signal on, and looked for other drivers. His truck displayed a sign that said, "Truck makes wide turns". The claimant was in the midst of making a right turn into a business when a seventeen-year old male drove his vehicle into the claimant's truck on the claimant's blind side. The vehicle hit the truck's oil line and oil began to spill onto the street. The claimant turned the truck off to stop the leakage of oil. The seventeen-year old male left the scene of the accident and went home. The police cited the claimant with not having his turn signal on and improper lane change. The seventeen-year old was not cited with leaving the scene of an accident. The claimant is disputing the charges and trial is set for December 14, 2017.

CRST Van Expedited could not think of anything the claimant could have done differently to avoid the accident. On October 14, 2017, CRST Van Expedited terminated the claimant because the accident caused \$10,000.00 in damage.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant was laid off due to a lack of work.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. 871-24.1(113)a provides:

Separations. All terminations of employment, generally classifiable as layoffs, quits, discharges, or other separations.

a. Layoffs. A layoff is a suspension from pay status (lasting or expected to last more than seven consecutive calendar days without pay) initiated by the employer without prejudice to the worker for such reasons as: lack of orders, model changeover, termination of seasonal or temporary employment, inventory-taking, introduction of laborsaving devices, plant breakdown, shortage of materials; including temporarily furloughed employees and employees placed on unpaid vacations.

The employer laid the claimant off for lack of work. When an employer suspends a claimant from work status, the separation does not prejudice the claimant. The claimant's separation was attributable to a lack of work by the employer. Benefits are allowed, provided the claimant is otherwise eligible.

**DECISION:**

The representative's November 9, 2017, decision (reference 02) is reversed. The claimant's separation was attributable to a lack of work by the employer. Benefits are allowed, provided the claimant is otherwise eligible.

---

Beth A. Scheetz  
Administrative Law Judge

---

Decision Dated and Mailed

bas/rvs