

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOSHUA R CANCHOLA**  
Claimant

**APPEAL NO. 11A-UI-04183-M2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CRST VAN EXPEDITED INC**  
Employer

**OC: 02/27/11**  
**Claimant: Respondent (2-R)**

Section 96.5-1 – Voluntary Quit  
Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

Employer filed an appeal from a decision of a representative dated March 23, 2011, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on April 26, 2011. Claimant participated. Employer participated.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on September 9, 2010. The claimant went on home time, and did not report back to his yard following the home time for a truck to drive. The claimant states he did not report back as he did not have the money to get to the yard. He quit the employment by failing to report.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

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.

The record does not establish that the claimant quit with good cause attributable to the employer when he quit by failing to return to work because of a lack of financial resources to get to the place of employment.

**DECISION:**

The decision of the representative dated March 23, 2011, reference 01, is reversed and remanded. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible. The issue of an overpayment is remanded to claims for a determination.

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Stan McElderry  
Administrative Law Judge

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Decision Dated and Mailed

srm/pjs