

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**EARL A JACKSON**

Claimant

**APPEAL NO. 10A-UI-10789-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CRST VAN EXPEDITED INC**

Employer

**OC: 06/13/10**

**Claimant: Appellant (2)**

Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated July 21, 2010, reference 01, that concluded he placed on a disciplinary suspension for work-connected misconduct. A telephone hearing was held on September 15, 2010. The parties were properly notified about the hearing. The claimant participated in the hearing. Sandy Matt participated in the hearing on behalf of the employer.

**ISSUE:**

Was the claimant discharged for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant worked as an over-the-road truck driver from November 6, 2008, to May 26, 2010. He received a ticket in March 2010 for crossing a restricted bridge. As is the normal practice, the claimant submitted the ticket to the employer for payment.

Around May 26, 2010, the claimant was on trip in Pennsylvania when he discovered his commercial driver's license had been suspended due to nonpayment of the fine. This was the first notice the claimant had that the fine had not been paid.

Since he was not able to drive until his license was reinstated, he parked his truck at the employer's terminal in Pennsylvania and notified the employer about the unpaid fine. He waited in Pennsylvania for a couple of weeks but had to return home around June 20 because he was on jury duty.

The claimant was informed initially that the employer had paid the fine and he could get his licensed reinstated, but later was told that the employer had sent in the wrong amount for the fine. At the end of June, after the fine was correctly paid, the claimant paid his license reinstatement fee of \$22 but was told that it might take a couple of weeks for the paperwork to be processed before he could drive again. He called and notified the employee in the licensing department about what he had learned. He was told to call back when his license had been reinstated and he was able to drive again.

The claimant found out on July 7, 2010, that his commercial license had been reinstated. He called and asked for his fleet manager, but he was not available. He explained to the person who answered the phone about his license being reinstated and wanting to go back out on the road. The person told him that he was no longer on the list of employees. The claimant reasonably believed that the employer had discharged him.

#### **REASONING AND CONCLUSIONS OF LAW:**

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code § 96.5-1 and 96.5-2-a. The findings of fact show how I resolved the disputed factual issues in this case by carefully assessing of the credibility of the witnesses and reliability of the evidence and by applying the proper standard and burden of proof. I believe the claimant's testimony about turning in the ticket when he received it and what took place after he when home to St. Louis. I concluded the employer terminated the claimant when he called in to talk to his fleet manager and was told that he was no longer employed.

The issue in this case is whether the claimant was discharged for work-connected misconduct as defined by the unemployment insurance law.

The next issue is whether the claimant was discharged for work-connected misconduct. The rules define misconduct as (1) deliberate acts or omissions by a worker that materially breach the duties and obligations arising out of the contract of employment, (2) deliberate violations or disregard of standards of behavior that the employer has the right to expect of employees, or (3) carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design. Mere inefficiency, unsatisfactory conduct, failure in good performance as the result of inability or incapacity, inadvertencies or ordinary negligence in isolated instances, or good faith errors in judgment or discretion are not misconduct within the meaning of the statute. 871 IAC 24.32(1).

Work-connected misconduct as defined by the unemployment insurance law has not been established. No willful and substantial misconduct has been proven in this case. The claimant turned in the ticket for payment, but the employer did not pay the ticket right away, which caused his license to be suspended. The claimant waited until the ticket was paid, got the license reinstated, and then discovered he was taken off the employee list.

#### **DECISION:**

The unemployment insurance decision dated July 21, 2010, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/css