

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BRANDON BOYD**

Claimant

**APPEAL NO: 12A-UI-12816-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DYNAMIC AUTO DETAILING LLC**

Employer

**OC: 09/30/12**

**Claimant: Respondent (5)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The employer appealed a representative's October 16, 2012 determination (reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant had been discharged for nondisqualifying reasons. The claimant participated in the hearing. Mike Hall participated on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is qualified to receive benefits.

**ISSUE:**

Did the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits, or did the employer discharge him for a current act of work-connected misconduct?

**FINDINGS OF FACT:**

The claimant started working for the employer on April 1, 2011. Before the employer hired him, the claimant was told his job required a valid driver's license. The claimant worked full time as a touch-up specialist. He earned \$15.00 an hour.

In November 2011, the claimant received an OWI and had his driver's license suspended for a year. After the claimant lost his driver's license, the employer talked to him about the possibility of reducing his hourly wage, but did not. Since the claimant's job required him to go to various dealers, the employer made arrangements for another employee to drive the claimant to jobs assigned to him.

Just before the claimant could get his driver's license, the employer's insurance company told the employer that the insurance company would not insure the claimant if he drove one of the employer's vehicles. When the employer told the claimant he would not be insured under the employer's insurance, the claimant checked with his insurance company. The claimant's insurance company would insure the claimant if the employer would change the owner of the company vehicle from the company to Hall. The employer declined to do this.

In late September 2012, the employer told the claimant that the employer could no longer afford to have another employee drive him to work locations. As a result, the claimant could continue

to work as a touch-up assistant, but he would be an on-call employee with no guarantee of a minimum number of hours a week. The employer thought the claimant could pick up more hours at the restaurant where the claimant also worked.

On September 28, the claimant told the employer he could not continue working under the employer's new reduced hours plan and quit.

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

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a.

Even though the employer told the claimant when he was hired, he needed a valid driver's license for his job, the employer made accommodations for about a year after the claimant's driver's license was suspended. The fact the claimant lost his driver's license does not amount to a current act of work-connected misconduct since the employer made arrangements for the claimant to continue working almost a year without a license. The employer acknowledged that if the insurance company would have covered the claimant when he could legally drive again, the claimant's job would have continued. The facts establish the claimant made a reasonable attempt to continue his employment by checking with his insurance company about covering him when he drove the employer's vehicle.

For business reasons, the employer did not want to change the title of the company vehicles. Therefore, the claimant's insurance company could not insure the claimant when he drove the employer's vehicle for work.

While the employer did not end the claimant's employment, the hours the claimant could have continued working were going to be substantially reduced. The claimant established good cause for quitting because his employment was substantially changed. 871 IAC 24.26(1). As of September 30, 2012, the claimant is qualified to receive benefits.

#### **DECISION:**

The representative's October 16, 2012 determination (reference 01) is modified, but the modification has no legal consequence. The employer did not discharge the claimant. Instead, the employer substantially changed the claimant's employment. As a result of the substantial change, the claimant quit for reasons that qualify him to receive benefits. As of September 30, the claimant is qualified to receive benefits, provided he meets all other eligibility requirements. The employer's account is subject to charge.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css