

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ARNOLD L WALDRON
Claimant

APPEAL NO: 13A-UI-13789-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PRIORITY COURIER INC
Employer

OC: 10/27/13
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's December 2, 2013 determination (reference 01) that disqualified him from receiving benefits and held the employer's account exempt from charge because he voluntarily quit this employment for reasons that do not qualify him to receive benefits. The claimant participated in the January 9 hearing. Nancy Bengé appeared 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 not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits or did the employer discharged him for reasons that do not constitute work-connected misconduct?

FINDINGS OF FACT:

The claimant started working as a full time driver for the employer in May 2008. In December 2012, another company bought certain aspects of the employer's business. This company only had independent contractors and not employee drivers. In January 2013, the employer's name changed to Courier Logistics, Inc. Courier Logistics started issuing the claimant and other drivers' paychecks in 2013. The claimant understood Courier Logistics was trying to find an agent who would hire the claimant and other drivers to drive routes they had been driving so they would continue working for the new company. In April or May, the employer talked to drivers, including the claimant, to let them know the employer was trying to get an agent so they could continue working as employees for the agent.

On May 10, the claimant was involved in a traffic accident when he was training a new driver. The claimant was released to return to light-duty work on July 30, 2013. After he was released, the employer assigned the claimant to light-duty work. Unfortunately, the May 10 accident aggravated the claimant's pre-existing back problems. On September 4, the Bengé told the claimant the employer decided he could stay home and collect his worker's compensation benefits because the employer did not want his back problems aggravated. Bengé also told the claimant that agents were bidding on the employer's routes and it would benefit him to be able to return to work so the selected agent would hire him as a driver. The claimant then told Bengé

that he was no longer interested in working as a driver, but could not afford to retire on social security benefits. When the claimant started talking about his vacation pay, Bengé tried to reassure him that whatever happened, he would not lose his vacation pay. She advised the claimant to stay home the next week because he would be fully compensated. When the claimant was adamant about quitting, Bengé asked if he would sign a resignation form if she sent one to his supervisor. The claimant told her yes.

Bengé sent the resignation form to the claimant's manager. The claimant signed the form. After the claimant signed the resignation letter on September 11, 2013, the employer paid him his vacation pay on the next scheduled pay day.

The employer did not know which agent had acquired the employer's routes until early November. This agent hired the employer's drivers to continue driving. The employer officially closed on November 18, 2013. After the employer closed, the employer calculated employees' accrued vacation pay and paid the employees vacation pay.

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 was in the process of closing its business, the claimant and other drivers knew agents were bidding on the employer's routes so they could potentially continue driving for the agent. The employer's business did not close until November 18, 2013. Based on the claimant's conversation with Bengé in early September, she sent him a resignation form. The claimant made the decision to sign the resignation form on September 11, 2013. The employer did not force him to sign the resignation form or to resign. The evidence establishes the claimant voluntarily quit his employment on September 11, 2013.

When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6(2). The claimant established personal reasons for quitting, but his reasons do not qualify him to receive benefits. As of October 27, 2013, the claimant is not qualified to receive benefits.

DECISION:

The representative's December 2, 2013 determination (reference 01) is affirmed. The claimant voluntarily quit his employment for personal reasons that do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of October 27, 2013. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs