

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**JAVON I BAKER**  
Claimant

**DECKER TRUCK LINE INC**  
Employer

**APPEAL 19A-UI-07404-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 06/30/19**  
**Claimant: Appellant (1)**

Iowa Code § 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Javon Baker (claimant) appealed a representative's September 9, 2019 decision (reference 06) that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with Decker Truck Line (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for October 10, 2019. The claimant participated personally. The employer participated by Courtney Bachel, Director of Human Resources. The administrative law judge took official notice of the administrative file.

**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 on March 7, 2018, as a full-time driver. The claimant thought his truck was in the shop too much. He wanted to work closer to his family and take a job nearer to home.

In November 2018, he spoke with his dispatcher and a facilities female about leaving the employer and getting a job with Romell's Transportation. He was hoping they could help him find a job there. The claimant mentioned the idea again later. The claimant was offered a job as an independent contractor at Romell's Transportation. Without notice on February 26, 2019, the claimant called the employer and said he was leaving. Less than a week later, the claimant started working at Romell's Transportation as an independent contractor. Continued work was available had the claimant not resigned.

The claimant filed for unemployment insurance benefits with an effective date of June 30, 2019. The claimant only has wages from the employer in his base period of employment.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

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.
- 2.

Iowa Admin. Code r. 871-24.25(19) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(19) The claimant left to enter self-employment.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intention to voluntarily leave work was evidenced by his words and actions. He told the employer that he was leaving and quit work. When an employee quits work because he becomes self-employed, his leaving is without good cause attributable to the employer. The claimant left work to become an independent contractor. His leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

#### **DECISION:**

The representative's September 9, 2019, decision (reference 06) is reversed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount provided the claimant is otherwise eligible.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/rvs