

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LAWRENCE WHITE
Claimant

APPEAL NO. 12A-UI-08082-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CRST VAN EXPEDITED INC
Employer

OC: 06/03/12
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Lawrence White filed a timely appeal from the June 27, 2012, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on July 25, 2012. Mr. White participated. Sandy Matt represented the employer.

ISSUE:

Whether Mr. White separated from the employer for a reason that disqualifies him for unemployment insurance benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Lawrence White was employed by CRST Van Expedited as a full-time over-the-road truck driver and trainer from July 2011 until May 26, 2012, when he voluntarily quit. Mr. White quit because his teenage children were having behavioral issues and he wanted to be closer to home to assist with parenting issues. Mr. White submitted a written resignation to his supervisor about a week before his last day. Mr. White had been involved in two recent accidents while backing the employer's truck, had undergone some retraining, but had not received any notice that the employer was ending his employment.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992).

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. See 871 IAC 24.25.

The evidence in the record indicates that Mr. White voluntarily quit. Mr. White had compelling personal reasons for leaving the employment, but the voluntary quit was without good cause attributable to the employer. For these reasons, the administrative law judge must conclude that Mr. White is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account shall not be charged for benefits paid to Mr. White.

DECISION:

The Agency representative's June 27, 2012, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs