

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DAVID R CARTER**  
Claimant

**APPEAL NO. 08A-UI-06408-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HEARTLAND EXPRESS INC OF IOWA**  
Employer

**OC: 06/08/08 R: 12**  
**Claimant: Appellant (1)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The claimant, David Carter, filed an appeal from a decision dated July 2, 2008, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on July 28, 2008. The claimant participated on his own behalf. The employer, Heartland Express, participated by Human Resources Generalist Lea Peters.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

David Carter was employed by Heartland from June 14, 2006 until June 9, 2008 as a full-time over-the-road truck driver. He was on vacation beginning May 16, 2008, for 15 days. At the end of that time, he notified his fleet manager, Scott Osborne, he was ready to return, but it took a few days for the employer to find an available truck for him.

During those few days, a friend of the claimant notified him he would have a job available for Mr. Carter but he would have to take an 80-hour course to qualify. On June 2, 2008, the claimant signed up for the class. When Mr. Osborne contacted him that same day to notify him there was now a truck available for him, Mr. Carter declined, stating he had already signed up for the course and could not drive and attend class. Continuing work was available to him had he elected to return from vacation.

**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.

871 IAC 24.25(3) and (26) provide:

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:

(3) The claimant left to seek other employment but did not secure employment.

(26) The claimant left to go to school.

Continuing work was available to the claimant had he not quit. He had been on vacation and because it took two or three days to locate a truck for him to drive, he elected to pursue other employment opportunities and sign up for classes to enhance his chances of getting a job. Under the provisions of the above Administrative Code sections, this is a voluntary quit without good cause attributable to the employer, and the claimant is disqualified.

**DECISION:**

The representative's decision of July 2, 2008, reference 01, is affirmed. David Carter is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/kjw