

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LARRY A COOPER
Claimant

APPEAL NO. 07A-UI-05682-CT

**ADMINISTRATIVE LAW JUDGE
AMENDED DECISION**

MWR TRUCKING INC
Employer

**OC: 04/29/07 R: 03
Claimant: Respondent (2)**

Section 96.5(1) – Voluntary Quit
Section 96.3(7) – Recovery of Overpayments

STATEMENT OF THE CASE:

MWR Trucking, Inc. filed an appeal from a representative's decision dated June 1, 2007, reference 02, which held that no disqualification would be imposed regarding Larry Cooper's separation from employment. After due notice was issued, a hearing was held by telephone on June 25, 2007. The employer participated by Jason Achenbach and Mike Rickels. Mr. Cooper responded to the notice of hearing but was not available at the number provided at the scheduled time of the hearing.

ISSUE:

At issue in this matter is whether Mr. Cooper was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Cooper was employed by MWR Trucking, Inc. from August 9, 2006 until May 10, 2007 as an over-the-road driver. On or about May 10, he delivered a load in Chicago with another driver. The customer advised him that there were two pallets that needed to be delivered elsewhere in Chicago. Mr. Cooper became upset and called the employer to advise that he could not find the location to deliver the two pallets. He also advised the employer that he was quitting. He indicated he was tired of making pick-ups and deliveries. Continued work would have been available if he had not quit.

Mr. Cooper filed a claim for job insurance benefits effective April 29, 2007. He has received a total of \$1,674.00 in benefits since this separation.

REASONING AND CONCLUSIONS OF LAW:

An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Mr. Cooper told the employer that he was quitting because he was tired of

making pick-ups and deliveries. Such tasks are the sum and substance of being an over-the-road driver. Therefore, it was unreasonable for Mr. Cooper to believe he would not continue to be responsible for picking up and delivering materials. The fact that he no longer wanted to perform the essential functions of his job did not constitute good cause attributable to the employer for quitting.

Mr. Cooper did not participate in the hearing to explain why he left his employment. The evidence of record does not establish any good cause attributable to the employer for the separation. Accordingly, benefits are denied. Mr. Cooper has received benefits since filing his claim. Based on the decision herein, the benefits received now constitute an overpayment and must be repaid. Iowa Code section 96.3(7).

DECISION:

The representative's decision dated June 1, 2007, reference 02, is hereby reversed. Mr. Cooper quit his employment for no good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility. Mr. Cooper has been overpaid \$1,674.00 in job insurance benefits.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs/kjw