

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PETER C SCHABERG

Claimant

APPEAL NO. 09A-UI-06728-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CRST VAN EXPEDITED INC

Employer

OC: 01/25/09

Claimant: Respondent (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The employer, CRST, filed an appeal from a decision dated April 20, 2009, reference 01. The decision allowed benefits to the claimant, Peter Schaberg. After due notice was issued a hearing was held by telephone conference call on May 27, 2009. The claimant participated on his own behalf. The employer participated by Human Resources Specialist Sandy Matt.

ISSUE:

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

FINDINGS OF FACT:

Peter Schaberg was employed by CRST from September 20, 2007 until June 21, 2008 as a full-time over-the-road truck driver. The employer requires all drivers to be “co-drivers,” that is, to have two drivers in the truck at all times. The drivers are given a list of available drivers and it is their responsibility to contact the other drivers and find someone with whom they can work.

The claimant was driving with his co-driver in 2008 and requested “home time” of several days, which was granted. CRST assigned another driver to go with the truck in his absence. When he contacted the employer at the end of his home time he was told he would be sent a list of available drivers with whom he could partner. He never received the list but another driver did contact him, but they lived 400 miles apart and this person was not certain he was going to remain with CRST and never got back in touch with Mr. Schaberg.

For the next two weeks or so the claimant contacted dispatch several times, speaking with dispatchers personally and also leaving messages. He was still promised a list of available drivers would be sent but nothing was ever forwarded to him.

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.

The claimant maintains he was laid off for lack of work and the record supports this contention. He was able and available to return to work but his co-driver had already been assigned someone else and the employer never put him in contact with any other available drivers. Mr. Schaberg could not drive alone and therefore no work was available to him. This is not a voluntary quit and the separation from this employment is not a disqualifying event.

DECISION:

The representative's decision of April 20, 2009, reference 01, is affirmed. Peter Schaberg is qualified for benefits, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs