

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ARCHIE COBB

Claimant

APPEAL NO. 14A-UI-02228-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CRST VAN EXPEDITED INC

Employer

OC: 01/12/14

Claimant: Respondent (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

CRST Van Expedited, Inc. filed a timely appeal from a representative's decision dated February 17, 2014, reference 01, which held claimant eligible to receive unemployment insurance benefits. After due notice was provided, a telephone hearing was held on March 19, 2014. Although duly notified, the claimant did not participate. The employer participated by Ms. Sandy Matt, Human Resource Specialist.

ISSUE:

The issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Archie Cobb was most recently employed by CRST Van Expedited, Inc. from March 2, 2013 until April 21, 2013 when he voluntarily quit employment. Mr. Cobb was employed as a full-time over-the-road tractor/trailer driver and was paid by the mile. His immediate supervisor was Adam Kirkpatrick, Fleet Manager.

Mr. Cobb's stated reason for leaving CRST Van Expedited, Inc. was because the truck that he was assigned to did not have a properly functioning heater after numerous requests had been made by the claimant for the heater to be fixed. The claimant left his employment with this company after making a number of attempts to have the heater properly repaired, but the heater continued to malfunction.

Company records do not reflect the specific circumstances that caused the claimant to leave employment in April 2013. The fleet or maintenance manager who may have been handling Mr. Cobb's repair requests may no longer be with the company.

It is the employer's assertion that Mr. Cobb may have left employment due to dissatisfaction with his pay and that if so, the claimant should have been aware of the pay structure as he had been employed by CRST Van Expedited, Inc. on two previous occasions in the past. Work was available to the claimant at the time of his leaving.

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 24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(4) The claimant left due to intolerable or detrimental working conditions.

In general a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with an employer from whom the employee has separated. 871 IAC 24.25. Leaving because of unlawful, intolerable or detrimental working conditions would be good cause. 871 IAC 24.26(3), (4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

In the case at hand the employer's witness, Ms. Matt, had no firsthand information about the claimant's reason for leaving employment or the circumstances that caused the claimant to leave in April 2013. The fleet manager or maintenance manager who might have been dealing with Mr. Cobb may have been no longer with the company and the company records no longer reflect information about the circumstances that caused Mr. Cobb to leave his work. The employer surmises that the claimant may have left due to pay dissatisfaction and asserts that if so, the leaving would be without good cause because Mr. Cobb worked for the company on two occasions in the past and should have known he would be paid by the mile and how he would be paid for his services.

In statements to Iowa Workforce Development at the time that he opened his claim for benefits and during a fact-finder's conference were to the effect that Mr. Cobb left his employment because his repeated requests to various managers in the company about the malfunctioning heater in his truck had not been addressed by the employer and Mr. Cobb felt he could no longer drive the truck without heat.

In an effort to develop the record in this matter, the administrative law judge asked numerous questions and Ms. Matt answered truthfully, often indicating that she did not know the answer to the question because company records did not reflect the needed information.

The administrative law judge concludes that the employer's speculation as to the claimant's reasons for leaving employment are not sufficient to overturn the adjudicator's decision that the claimant left employment with good cause attributable to the employer. There is nothing in the record to refute Mr. Cobb's assertion that he left because of ongoing problems with the heater in his truck after numerous complaints to his employer. The claimant's statements regarding the reasons for quitting employment are not inherently improbable and do not strain credibility. The administrative law judge thus concludes that the employer's evidence is not sufficient to establish that the claimant left employment without good cause. Benefits are allowed, providing the claimant is otherwise eligible.

DECISION:

The representative's decision dated February 17, 2014, reference 01, is affirmed. Claimant left employment with good cause attributable to the employer. Unemployment insurance benefits are allowed, provided the claimant meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs