

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ALAN H LANGHAM**  
Claimant

**APPEAL NO: 14A-UI-09307-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AM-PM TRUCKING LLC**  
Employer

**OC: 03/23/14**  
**Claimant: Appellant (2)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's September 8, 2014 determination (reference 10) that disqualified him from receiving benefits and held the employer's account exempt from charge because he voluntarily quit this employment for reasons that do not qualify him to receive benefits. The claimant participated at the September 26 hearing. The claimant's two witnesses were called, but were not available for the hearing. James Gordon and Everett Lawson, witnesses for the employer, were called for the hearing but they did not answer the phone. A message was left for the employer's witness or witnesses to immediately contact the Appeals Bureau, but they did not. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant is qualified to receive benefits.

**ISSUE:**

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits?

**FINDINGS OF FACT:**

The claimant started working for the employer on August 3, 2014. The employer hired the claimant to work full time to haul sand and gravel in a side dump truck.

The first day the claimant drove his assigned truck, he reported electrical problems with the lights, the mirrors and the tarp. The claimant also reported that the proof of insurance in the truck he drove was not current. The claimant's supervisor told the claimant he would get a current proof of insurance card in the truck, but did not.

As an experienced driver and a driver certified to haul hazmat material, the claimant needed the electrical problems on the truck fixed and a current proof of insurance card. The claimant did not want any possibility that he would be put out of service for these reported problems. On August 12, the claimant told his supervisor that if the employer did not give him a current proof of insurance card for the truck by August 14, he would quit.

On August 14 because the employer did not have a current proof of insurance card and also wanted the claimant to pay for damage done to the truck's tarp because of the electrical

problems the claimant reported the first day on the job. The claimant quit on August 14. He reopened his claim the week of August 17, 2014.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a claimant quits, he has the burden to establish he quits for reasons that qualify him to receive benefits. Iowa Code § 96.6(2).

The law presumes a claimant quits with good cause when he leaves because of unsafe or unlawful working conditions. 871 IAC 24.26(2), (3). The employer is required to have a current proof of insurance card in vehicles employees drive. The claimant put the employer on notice about the electrical issues that created an unsafe working environment for him and also reported that the proof of insurance card in the truck was not current. Since the claimant would be put out of service if a Department of Transportation official inspected the truck which could jeopardize his hazmat certification, the claimant established good cause for quitting.

The employer is not one of the claimant's base period employers.

**DECISION:**

The representative's September 8, 2014 determination (reference 10) is reversed. The claimant voluntarily quit this employment for reasons that qualify him to receive benefits. As of August 17, 2014, the claimant is qualified to receive benefits, provided he meets all other eligibility requirements.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css