

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRANDY M KAAHAAINA
Claimant

APPEAL NO. 08A-UI-07588-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CRST INC
Employer

OC: 07/20/08 R: 12
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Brandy M. Kaahaaina filed a timely appeal from an unemployment insurance decision dated August 13, 2008, reference 01, that disqualified her for benefits. After due notice was issued, a telephone hearing was held on September 24, 2008 with Ms. Kaahaaina participating. The employer, CRST, Inc., provided the name and telephone number of a witness. The witness' phone was answered by a recording. The administrative law judge left instructions for the witness to contact the Appeals Section while the hearing was in progress if the witness wished to participate. The hearing ended at approximately 11:10 a.m. The witness contacted the Appeals Section at approximately 11:25 a.m., indicating that she had forgotten about the hearing. The administrative law judge declined to reopen the record under those circumstances.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Brandy M. Kaahaaina was employed as an over-the-road truck driver by CRST, Inc. from August 8, 2007 until she resigned May 30, 2008. She resigned for several reasons. She found that she was on the road away from home longer than she desired. This was caused in part by repeated mechanical problems with her truck and because of layovers occurring from time to time when no load was immediately available after a delivery.

The claimant has been a professional truck driver for several years. She is aware that mechanical breakdowns and delays in obtaining new loads occur.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant left work with good cause attributable to the employer. It does not.

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's testimony described situations that can reasonably be expected in the trucking industry. One who resigns because of general dissatisfaction with the work environment does not leave employment with good cause attributable to the employer. See 871 IAC 24.25(21). Benefits must be withheld.

DECISION:

The unemployment insurance decision dated August 13, 2008, reference 01, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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