

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

DOUGLAS VANDYKE
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CRST INC
c/o SHEAKLEY UNISERVICE
PO BOX 1160
COLUMBUS OH 43216-1160

Appeal Number: 04A-UI-05635-ET
OC 04-18-04 R 12
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the May 10, 2004, reference 02, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on June 11, 2004. The claimant participated in the hearing. Sandy Matt, Human Resources Specialist, participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time over-the-road truck driver for CRST from February 25, 2003 to April 16, 2004. The claimant received a ticket from the Colorado State Patrol June 6,

2003. He reported the situation to the dispatcher and was told the employer would take care of it. The claimant provided the necessary information to the employer and the employer sent a check to Colorado and believed the situation was resolved. The claimant's last day worked was March 19, 2004. The employer left several messages for the claimant asking if he was going to return to work but the claimant did not return its calls until March 27, 2004, when he called and stated he was unsure if he would return but he would let the employer know. On April 9, 2004, the claimant received a letter from Colorado stating he had an outstanding judgment. He called the employer's Cedar Rapids office and was told the employer had sent a check to Colorado to pay the fine. On April 15, 2004, the employer again called the claimant to see if he was planning to return to work. His fiancé stated he was going to school full time in June and had been missing their child. The employer determined the claimant voluntarily quit. During the fact-finding interview the claimant said he quit because he continued receiving notices from Colorado about the ticket. The employer's representative immediately contacted Colorado and was told the "state dropped the ball" by not completing the paperwork after the employer paid the fine.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment without good cause attributable to the employer.

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.

In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the 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(21). 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 (amended 1998). While the claimant was upset about the Colorado ticket, the employer credibly testified it paid the ticket and took care of the situation and was not aware the state failed to follow through with the paperwork. When the employer's representative learned during the fact-finding interview that the claimant was still experiencing problems regarding the ticket, she immediately called Colorado to insure the situation was resolved. Although it was frustrating to the claimant, the employer responded promptly and appropriately. Additionally, the claimant's last day of work was March 19, 2004, three weeks prior to the date he received notice from Colorado stating he had an outstanding judgment. The claimant failed to return several phone calls from the employer about whether he planned to continue working and, the claimant's fiancé told the employer in April that the claimant planned to return to school as a full-time student in June. Considering the totality of the circumstances, the administrative law judge concludes the claimant has not established that his leaving was for good cause attributable to the employer. Benefits are denied.

DECISION:

The May 10, 2004, reference 02, decision is affirmed. The claimant voluntarily left his employment without 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 benefit amount, provided he is otherwise eligible.

je/b