

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JASON WHITE
Claimant

APPEAL NO: 11A-UI-09420-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HEARTLAND EXPRESS INC OF IOWA
Employer

OC: 05/29/11
Claimant: Appellant (1)

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Jason White (claimant) appealed an unemployment insurance decision dated July 11, 2011, reference 03, which held that he was not eligible for unemployment insurance benefits because he voluntarily his employment of Heartland Express Inc. of Iowa (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 3, 2011. The claimant participated in the hearing. The employer participated through Lea Peters, Human Resources Generalist. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time over-the-road truck driver from March 18, 2011 through his last day of work on May 28, 2011. He lives in a mountainous area and was pulled over by the California Department of Transportation when he was driving his tractor/trailer home in the middle of May 2011. The claimant was advised it was illegal to take that tractor/trailer to his home because it was too long. The employer's tractor/trailer has a sleeper and is 76 feet long but tractor/trailers must be no more than 65 feet in length are allowed to travel on the claimant's road.

Over-the-road truck drivers must park their tractor/trailers in a secure location while they are off on personal time. The employer's home terminal is in Phoenix, Arizona and the claimant could have parked his tractor/trailer there while on personal time but that terminal is located approximately 400 miles from the claimant's residence and he felt that was too far away. The claimant could not find a secure location to park his tractor/trailer that was within 80 miles of his home so he voluntarily quit his employment on June 13, 2011. Continuing work was available.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits.

Iowa Code § 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 voluntarily quit his employment on June 13, 2011 because he could not drive the employer's tractor/trailer on the road which led to his residence and he did not have any other close location on which to park it. He could have parked it in the employer's home terminal in Phoenix, Arizona but felt that was too far away. The reasons for the claimant's separation are not attributable to the employer.

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. He has not satisfied that burden and benefits are denied.

DECISION:

The unemployment insurance decision dated July 11, 2011, reference 03, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css