

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JASON R WALKER
Claimant

HEARTLAND EXPRESS INC OF IOWA
Employer

APPEAL 16A-UI-06345-SC-T
ADMINISTRATIVE LAW JUDGE
DECISION

OC: 05/08/16
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

Jason R. Walker (claimant) filed an appeal from the May 31, 2016, (reference 01) unemployment insurance decision that denied benefits based upon the determination he voluntarily quit his employment due to a non-work related illness which is not a good cause reason attributable to Heartland Express Inc. of Iowa (employer). The parties were properly notified about the hearing. A telephone hearing was held on June 22, 2016. The claimant participated personally. The employer did not participate.

ISSUE:

Did the claimant voluntarily quit the employment with good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full-time as a Regional Truck Driver beginning on February 3, 2014. He was initially told he would average eight to ten thousand miles a month; however, he was not guaranteed miles and understood his mileage would vary. The claimant was not reaching the average mileage discussed, in part, because the employer had a brand of truck that in certain model years was having repair issues nationwide. The claimant would have an issue with his truck and the employer would immediately take steps to get the truck repaired. The claimant quit on June 1, 2014 as he was not scheduled enough miles to earn the wages he wanted.

In January 2015, the employer contacted the claimant to ask him to return to his employment. The employer stated it was working on the issues with the trucks. Its goal was to have all of its trucks replaced by the summer of 2016. The claimant was again told he could average 2500 miles per week, but he was not guaranteed any miles and understood that his miles would vary. The claimant only averaged 1500 miles a week. He told his dispatcher in early April 2015 that if he did not get more mileage he would have to quit. The dispatcher told him the employer was working on it. On April 19, 2015, the claimant surrendered his truck to the Florida terminal manager and resigned his position. He quit because he was not scheduled enough miles to earn the wages he wanted.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer. Benefits are denied.

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.

Iowa Admin. Code r. 871-24.25(13) provides:

Voluntary quit without good cause. 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. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code § 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code § 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(13) The claimant left because of dissatisfaction with the wages but knew the rate of pay when hired.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). In this case, the claimant was told at the time of his hire that his mileage would vary and he was not guaranteed any set miles. That did not change throughout his time with the employer. The claimant acknowledged the issues with the trucks were beyond the employer's control and were an industry-wide issue. He also stated the employer was a good employer and never allowed him to operate a vehicle that was not in good working condition. The claimant's decision to leave because of his dissatisfaction with his wages and mileage is not a good cause reason attributable to the employer. Accordingly, benefits are denied.

DECISION:

The May 31, 2016, (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left the 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.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/pjs