

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JANE L BRUCE
Claimant

APPEAL NO. 11A-UI-00891-PT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HEARTLAND EXPRESS INC OF IOWA
Employer

OC: 12/12/10
Claimant: Respondent (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated January 12, 2011, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on March 14, 2011. Claimant participated with witness, Fred Peel. Employer participated by Lea Peters, human resources generalist and Dan Dieter, terminal manager.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant was employed with the employer from August 1, 2007 through December 21, 2010. Claimant was an over-the-road driver in a team with Fred Peel. The employer terminated Mr. Peel and when claimant inquired as to whether she was to be terminated also she was advised that she was terminated as well.

REASONING AND CONCLUSIONS OF LAW:

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 employer contends that claimant had continued work available to her and that she chose to resign. The employer has not met their burden of proving such. The claimant was terminated and since there is no allegation of misconduct the separation is not disqualifying.

DECISION:

The January 12, 2011, reference 01, decision is affirmed. Benefits are allowed, provided claimant is otherwise eligible.

Ron Pohlman
Administrative Law Judge

Decision Dated and Mailed

rrp/pjs