

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JORDON I PAFFORD
Claimant

APPEAL NO. 09A-UI-03015-E2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CRST VAN EXPEDITED INC
Employer

**Original Claim: 01/18/09
Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The employer filed an appeal from a decision of a representative dated February 16, 2009, reference 01, which held the claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on March 13, 2009. The claimant participated. The employer participated by Sandy Matt and Bill McGuire. Exhibits One through Three were admitted into evidence.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds: The claimant last worked for employer on December 11, 2008. The claimant was an over-the-road long-haul driver for the employer. He was a team driver. On December 11, 2008, his team member quit. The claimant reported to his employer and requested and received "home time." The claimant reported back to his employer on December 18, 2008, and requested additional assignments. He spoke to Mr. McGuire, his supervisor, and Mr. Votroubek about his availability for work. He was told there was not a team driver for him to work with and he should keep checking. The claimant did continue to call his employer on a regular basis. The claimant's testimony was credible that he continued to regularly contact his employer. The phone records submitted into evidence support his testimony. The employer agreed the claimant contacted them after December 11, 2008 and requested work. The employer made a decision to terminate the employee. The claimant did not ever indicate a desire to terminate his employee relationship with his employer. The claimant continued to maintain contact with his employer until he was terminated.

There is no proof that the claimant committed any job-related misconduct.

REASONING AND CONCLUSIONS OF LAW:

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 administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to the employer when employer terminated the employment relationship.

DECISION:

The decision of the representative dated February 16, 2009, reference 01, is affirmed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

James Elliott
Administrative Law Judge

Decision Dated and Mailed

jfe/kjw