

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

VERLIN E PETERSON
Claimant

APPEAL NO. 12A-UI-12369-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CRST VAN EXPEDITED INC
Employer

OC: 07/15/12
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a representative's decision dated October 5, 2012, reference 01, which denied unemployment insurance benefits, finding the claimant voluntarily quit work for personal reasons that were not caused by the employer. After due notice was issued, a telephone hearing was held on November 8, 2012. The claimant participated. Participating as a witness was Ms. Carol Boor, claimant's fiancée. The employer participated by Ms. Sandy Matt, human resource specialist.

ISSUE:

At issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Verlin Peterson was employed by CRST Van Expedited, Inc. as an over-the-road tractor trailer driver from February 23, 2012, until July 12, 2012, when he voluntarily quit employment because of child care issues.

Mr. Peterson provided approximately one month's notice to the company of his intention to leave employment because he needed to spend time caring for his son. Mr. Peterson had won custody of his son and no longer desired to drive over the road because of his child care responsibilities. Prior to leaving the employment, the claimant did not apply for FMLA. Work continued to be available to the claimant at the time that he chose to leave.

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.

871 IAC 24.25(17) 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 section 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 section 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:

(17) The claimant left because of lack of child care.

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. Leaving one's employment because of child care reasons is not good cause attributable to the employer. See 871 IAC 24.25(17).

In this case, work continued to be available to Mr. Peterson at the time that he left CRST Van Expedited, Inc. The claimant did not leave employment because of factors caused by his employer, but left because of personal issues related to the care and custody of his son. While Mr. Peterson's reasons for leaving were undoubtedly good-cause reasons personally, they were not good-cause reasons attributable to the employer. Therefore, the administrative law judge must rule that the claimant's leaving was not for good cause attributable to the employer as defined by Iowa law, and therefore benefits are denied.

DECISION:

The representative's decision dated October 5, 2012, reference 01, is affirmed. The claimant left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw