

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RONALD A DUCKETT**  
Claimant

**APPEAL NO. 13A-UI-04777-LT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CRST VAN EXPEDITED INC**  
Employer

**OC: 03/17/13**  
**Claimant: Appellant (1-R)**

Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the April 15, 2013 (reference 03) decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call on May 29, 2013. Claimant participated. Employer participated through human resources specialist Sandy Matt. Claimant's Exhibit A was received.

**ISSUE:**

Did claimant voluntarily leave the employment with good cause attributable to employer or did employer discharge claimant for reasons related to job misconduct sufficient to warrant a denial of benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as an over-the-road driver and was separated from employment on November 20, 2012. His last day of work was November 12, 2012. He had a personal knee injury and was approved for short term disability. At some point he returned to work on light duty and drove a shuttle bus. His medical card expired and he was fired. His medical card was required for driving duties. In early 2013 he took employment with Gordon Trucking because he could be home as a regional driver and it is warmer on the west coast.

After this separation he worked for Gordon Trucking, 151 Stewart Road SW, Pacific, Washington 98047. His earnings statement is unclear about his requalification status as the gross pay to date establishes requalification, but the notation about federal taxable wages does not. (Claimant's Exhibit A)

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant was discharged from employment due to job-related misconduct.

Iowa Code § 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

871 IAC 24.32(1)a provides:

Discharge for misconduct.

(1) Definition.

a. "Misconduct" is defined as a deliberate act or omission by a worker which constitutes a material breach of the duties and obligations arising out of such worker's contract of employment. Misconduct as the term is used in the disqualification provision as being limited to conduct evincing such willful or wanton disregard of an employer's interest as is found in deliberate violation or disregard of standards of behavior which the employer has the right to expect of employees, or in carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design, or to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer. On the other hand mere inefficiency, unsatisfactory conduct, failure in good performance as the result of inability or incapacity, inadvertencies or ordinary negligence in isolated instances, or good faith errors in judgment or discretion are not to be deemed misconduct within the meaning of the statute.

The maintenance of a professional license or medical card is the employee's responsibility without an agreement to the contrary. The employer has a legal obligation to abide by state and federal licensing and safety statutes and regulations and not allow individuals without a medical card to drive. Claimant's failure to maintain a valid medical card as a known condition of the employment was misconduct sufficient to warrant a denial of benefits.

**DECISION:**

The April 15, 2013 (reference 03) decision is affirmed. The claimant was discharged from employment due to job-related misconduct. 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.

**REMAND:**

The requalification issue delineated in the findings of fact is remanded to the claims section of Iowa Workforce Development for an initial investigation and determination.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

dml/pjs