

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**ELAINE SHUFORD**  
Claimant

**APPEAL 21A-UI-09840-WG-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HEARTLAND EXPRESS INC OF IOWA**  
Employer

**OC: 02/28/21  
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the March 30, 2021 (reference 01) unemployment insurance decision that denied benefits based upon her voluntarily quitting work without good cause attributable to the employer. The parties were properly notified of the hearing. A telephone hearing was held on June 21, 2021. The claimant participated personally. The employer, Heartland Express Inc. of Iowa, participated through Rebeckah Ackerman. Claimant's Exhibits A through E were offered and received into evidence.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as a truck driver from June 17, 2016 through February 25, 2021. Her employment ended when she voluntarily quit when she turned in her company truck on February 27, 2021.

Claimant's grandmother became ill and required 24-hour care after discharge from a hospital in January 2021. Claimant's mother was able to provide care for the grandmother in January 2021 but could not stay with the grandmother indefinitely. Claimant decided she needed to quit her employment to care for her grandmother on a full-time basis.

On February 10, 2021, claimant called and notified her driver's manager that she would need to turn in her truck for personal reasons. Claimant explained during the hearing this was to care for her grandmother. Claimant did turn in her truck and exited her employment in a professional manner. The employer does not dispute that claimant quit to care for her grandmother.

Claimant's grandmother continues to require full-time care. Claimant continues to provide that care and is not able to return to work even as of the date of the hearing for this personal reason. Claimant has not accepted employment for any other employer since she quit on February 27, 2021.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes as follows:

A voluntary quitting means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer and requires an intention to terminate the employment. *Wills v. Emp't Appeal Bd.*, 447 N.W. 2d 137, 138 (Iowa 1989). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980); *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992).

Iowa Code § 96.5(1)c provides:

Causes for disqualification. An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. But the individual shall not be disqualified if the department finds that:

c. The individual left employment for the necessary and sole purpose of taking care of a member of the individual's immediate family who was then injured or ill, and if after said member of the family sufficiently recovered, the individual immediately returned to and offered the individual's services to the individual's employer, provided, however, that during such period the individual did not accept any other employment.

In this case, claimant tendered her verbal resignation when she spoke with her driver manager and notified the manager that she needed to quit driving for the company for personal reasons. The employer accepted the resignation and claimant voluntarily quit her employment on February 27, 2021. Claimant's grandmother has not sufficiently recovered to the point where she does not need the claimant's full-time care. Claimant continues to provide her grandmother care. As such, claimant has not met the requirements of Iowa Code § 96.5(1)c. Claimant has not and cannot return and offer her services for the employer because she continues to care for her grandmother at the time of the hearing. While claimant's leaving the employment may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits must be denied.

#### **DECISION:**

The March 30, 2021 (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily quit employment without good cause attributable to the employer. Unemployment insurance benefits are denied until claimant has worked in and earned wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.



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William H. Grell  
Administrative Law Judge

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July 06, 2021  
Decision Dated and Mailed

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