

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CRAIG J HINDE
Claimant

ANTHONY D BILL
Employer

APPEAL NO. 14A-UI-05070-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 04/20/14
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated April 20, 2014, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on June 4, 2014. Claimant participated. Employer participated by Anthony Bill.

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 last worked for employer on April 3, 2014. Claimant dropped his load in Tama, Iowa, without alerting company that he was doing so. This occurred after claimant alleged that he was encouraged to falsify his log book and avoid weigh stations as numerous violations in regard to his driving hours and rest times existed.

Employer denies each of these allegations, and although he admits that in one week claimant did exceed his maximum number of hours to be driving, that was as a result of icy roads causing drivers to drive slower. Employer denied asking claimant to falsify his books, and further employer read into the record a history of self-reported hours brought to the employer by a variety of drivers including claimant. None of those weekly hours reports were for hours exceeding the statutory limits, with the exception of the one week for claimant listed above.

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.

Iowa Admin. Code r. 871-24.25(21) 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 § 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 § 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:

(21) The claimant left because of dissatisfaction with the work environment.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because claimant offered no proof as to the allegations of employer's improper encouragement to falsify hours. Claimant brought no documentary evidence and no other witnesses to substantiate his claims. As employer has produced credible evidence that he has not falsified documents, he is deemed to have satisfied his burden of proving that claimant is disqualified for benefits.

DECISION:

The decision of the representative dated April 20, 2014, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/css