

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KEVIN P PUTNAM**

Claimant

**APPEAL NO. 08A-UI-11704-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MAX MORGAN MOTOR FREIGHT**

Employer

**OC: 11/16/08 R: 04  
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Kevin Putnam (claimant) appealed a representative's December 10, 2008 decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with Max Morgan Motor Freight (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for December 30, 2008. The claimant participated personally. The employer participated by Clint Feuerbach, General Manager, and Chris Bishop, Load Planner.

**ISSUE:**

The issue is whether the claimant voluntarily quit work without good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on January 8, 2008, as a full-time over-the-road truck driver. The claimant signed for receipt of the employer's handbook in October 2008. The handbook indicates that an employee may receive a \$200.00 maximum weekly advance. The claimant regularly requested a weekly \$200.00 advance. The handbook also indicated that an employee would be charged for late delivery fees, out-of-route miles and fuel costs for out-of-route miles. At the end of his employment the claimant's paycheck was automatically deposited

into his wife's account. The claimant did not have access to his wife's account through an automatic teller machine. The claimant only carried cash for his trips.

At the end of October 2008, the claimant was supposed to drive from Washington state to Lincoln, Nebraska, and drop his load on November 3, 2008. During his trip the claimant spent all of the \$200.00 advance and broke his personal cellular telephone. He could not reach the employer and had no access to his paycheck in his wife's account. The claimant made the decision to bring the load back to the employer's office on November 1, 2008. The claimant told the employer he quit because he could not get any more advances from the employer and could not access his paycheck while on the road. Continued work was available had the claimant not resigned.

#### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

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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). The claimant's intention to voluntarily leave work was evidenced by the claimant's actions. The claimant abandoned his job and stopped appearing for work. There was no evidence presented at the hearing of good cause attributable to the employer. The claimant quit work because he did not make prior arrangements to access his paycheck while working. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

#### **DECISION:**

The representative's December 10, 2008 decision (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount provided the claimant is otherwise eligible.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

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