

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL L TONGO
Claimant

APPEAL NO. 12A-UI-11323-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SCHNEIDER NATIONAL CARRIERS INC
Employer

OC: 04/29/12
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Michael Tongo filed a timely appeal from a representative's decision dated September 17, 2012, reference 02, which denied unemployment insurance benefits. After due notice was provided, a telephone hearing was held on October 16, 2012. Mr. Tongo participated personally. Although the employer supplied the telephone number of a witness, the witness was unavailable at the time of hearing although repeated calls were made. Claimant's Exhibit A was received into evidence.

ISSUE:

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

FINDINGS OF FACT:

Having considered all of the evidence in the record, the administrative law judge finds: Michael Tongo was employed by Schneider National Carriers, Inc. for approximately one month before voluntarily leaving his employment on August 1, 2012. Mr. Tongo was employed as a full-time over-the-road tractor/trailer driver and was paid by the mile. His immediate supervisor was his dispatcher, Bill Huppert.

Mr. Tongo left his employment with Schneider National Carriers, Inc. to relocate with his girlfriend to the state of Maine. The claimant had requested some time off work because of domestic issues and the time off work had been granted by Schneider National Carriers, Inc. Mr. Tongo requested a transfer to work in the Maine area with Schneider National Carriers, Inc. but was told that there were no job positions open. Mr. Tongo then did not return to work and relocated to the state of Maine.

Prior to leaving his employment Mr. Tongo had some concerns about pay and concerns about some maintenance issues on the truck that he was assigned to. The employer had routed the truck in for service of an engine problem and had directed Mr. Tongo to a repair facility to have a door repaired. It appears that Mr. Tongo continued in employment, however, subsequently requesting a time off for the domestic issues and requesting a transfer to a different trucking

assignment with the company in the state of Maine. The claimant did not return to available work after relocating to the state of Maine with his significant other.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the evidence in the record establishes that the claimant left employment with good cause attributable to the employer. It does not.

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.

The claimant has the burden of proof in this matter. See Iowa Code section 96.6(2).

In this matter the evidence in the record establishes that the claimant's primary reason for leaving his employment on August 1, 2012 was the claimant's desire to relocate to the state of Maine with his significant other. Claimant had taken time away from work due to domestic issues and had requested a transfer to the state of Maine with the company. When the request was denied, Mr. Tongo did not return to available employment. Although the claimant may have had other dissatisfactions with his employer, the administrative law judge finds that the primary reason for the claimant's leaving employment on August 1, 2012 was his desire to relocate to a different geographic area.

While the claimant's reason for leaving at that time may have been a good cause reason from his personal viewpoint, it was not a good cause reason attributable to the employer. Unemployment insurance benefits are withheld.

DECISION:

The representative's decision dated September 17, 2012, reference 02, is affirmed. 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 and is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs