

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

CLAYTON H LUTTON
1404 S 4TH ST
CLINTON IA 52732

A V TRANSPORTATION INC
2103 –9TH AVE
CAMANCHE IA 52730

Appeal Number: 05A-UI-06900-DWT
OC: 06/05/05 R: 04
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Clayton H. Lutton (claimant) appealed a representative's June 27, 2005 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits, and the account of A. V. Transportation, Inc. (employer) would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 21, 2005. The claimant participated in the hearing. Jamie Liddle, the operations manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer on October 9, 2004. The claimant worked full-time as an over-the-road truck driver. In March 2005, the claimant reported some mechanical problems with the truck he drove. Specifically, the claimant reported that the brakes did not set properly along with other problems. The employer had a mechanic look over the truck, while the claimant drove another truck.

After the mechanic made the needed repairs, the claimant took the truck out again. The claimant then reported that antifreeze was leaking and there were alternator problems. The truck went back to the mechanic. When the truck was returned to the claimant, the claimant became frustrated when the brakes did not set properly all the time. Instead of reporting that the brakes still were not working properly, the claimant finished an assignment and left the truck at the employer's office on April 11, 2005. The claimant did not call or go back to work.

The claimant decided to quit because the employer's trucks were old and he became frustrated when the mechanic could not fix the problems the first time he looked at the truck and made repairs. In late April, the claimant's wife contacted the employer to see if the claimant could return to work. At that time, the employer considered the claimant to have abandoned his job by failing to return to work and no longer considered the claimant an employee.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. The claimant voluntarily quit his employment when he failed to return to work or contact the employer after April 11, 2005. When a claimant quits, he has the burden to establish he quit with good cause attributable to the employer. Iowa Code § 96.6-2.

The claimant established personal reasons for quitting. He did not establish that he quit for intolerable or detrimental working conditions. 871 IAC 24.26 (4). The claimant may have been frustrated when the truck was not repaired correctly the first time, but the facts do not establish the employer would not have repaired the truck properly so the truck was safe to drive. The claimant quit his employment for reasons that do not qualify the claimant to receive unemployment insurance benefits.

DECISION:

The representative's June 27, 2005 decision (reference 01) is affirmed. The claimant voluntarily quit his employment for personal reasons that do not qualify him to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of June 5, 2005. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

dlw/sc