

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GARY W GOODWIN**  
Claimant

**APPEAL NO: 06A-UI-08439-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CRST INC**  
Employer

**OC: 07/30/06 R: 12  
Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Gary W. Goodwin (claimant) appealed a representative's August 17, 2006 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits, and the account of CRST, Inc. (employer) would not be charged because the claimant had been suspended for disqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 7, 2006. The claimant participated in the hearing. Sandy Matt, the human resource specialist, 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, or did the employer suspend or discharge him for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant started working for the employer on March 30, 2005. The claimant worked as a full-time over-the-road driver. An over-the-road driver must be medically certified that he/she is able to drive. The claimant's medical certificate expired on June 27, 2006.

Since Christmas 2005, the claimant has been in and out of numerous hospitals for medical issues. The claimant informed the employer's dispatcher prior to June 27, that he would not be medically certified to drive after June 27, 2006.

The claimant and his co-driver finished a load on June 27, 2006. The claimant was then hospitalized for two to three weeks. His co-driver contacted the employer and informed the employer the claimant was unable to return to work because of continuing health problems.

As of June 27, 2006, the claimant is not physically capable of working as an over-the-road driver and is unable to obtain a medical certificate to drive. It is not that the claimant cannot work, because he can still work as a dispatcher or can load and unload freight. The claimant just cannot drive over-the road.

The claimant's co-worker informed the employer in early July that the claimant could not return to work for health reasons.

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

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits without good cause or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. In this case, the facts establish the claimant had no choice but end his career as a truck driver when he could not obtain a medical certificate. For unemployment insurance purposes, the claimant involuntarily terminated his employment as an over-the-road driver.

With the claimant's increasing medical problems since early 2006, the claimant knew he would not be recertified as medically able to drive on June 28, 2006. (The claimant's medical certificate expired on June 27, 2006.) The claimant had no choice but to end his employment as a truck driver when he could not pass a physical to become medically certified to drive.

The law presumes a claimant voluntarily quits employment without good cause for several reasons. Before these reasons can be considered, the question of whether a claimant voluntarily quit must be decided. The evidence establishes that prior to June 27, 2006, the claimant informed the employer his continuing health problems would prevent him from obtaining a medical certification that he was capable of driving after June 27, 2006. Under the facts of this case, the claimant involuntarily terminated his employment relationship because of on-going health problems. Since the claimant did not voluntarily terminate his employment, he is qualified to receive unemployment insurance benefits as of July 30, 2006.

In the alternative, the employer ended the claimant's employment because he was no longer physically able to drive. For unemployment insurance purposes, misconduct amounts to a deliberate act and a material breach of the duties and obligations arising out of a worker's contract of employment. Misconduct is a deliberate violation or disregard of the standard of behavior the employer has a right to expect from employees or is an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer. Inefficiency, unsatisfactory conduct, unsatisfactory performance due to inability or incapacity, inadvertence or ordinary negligence in isolated incidents, or good faith errors in judgment or discretion are not deemed to constitute work-connected misconduct. 871 IAC 24.32(1)(a).

The claimant's inability to continue working as a truck drivers occurred because the claimant is not medically able to work as an over-the-road driver. If the employer discharged the claimant, the reasons for the discharge do not constitute work-connected misconduct. Under either a discharge or quit situation, the claimant is qualified to receive benefits as of July 30, 2006.

Although the claimant is no longer capable of working as a truck driver, he is still able to and available for work. The claimant has the necessary skills to work in other jobs, including as a dispatcher or loading and unloading freight. The claimant demonstrated he is able to and available for work.

**DECISION:**

The representative's August 17, 2006 decision (reference 01) is reversed. The claimant had to involuntarily terminate his employment relationship because his health prevented him from obtaining a medical certificate of availability to drive after June 27, 2006. As of July 30, 2006, the claimant is qualified to receive unemployment insurance benefits, provided he meets all other eligibility requirements. Even though the claimant is no longer capable of driving a truck, he is still able to and available for other work. The employer's account may be charged for benefits paid to the claimant.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

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