

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PATRICK H VEBER
Claimant

APPEAL NO. 09A-UI-03408-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CRST VAN EXPEDITED INC
Employer

OC: 11/16/08
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Patrick H. Veber filed a timely appeal from an unemployment insurance decision dated February 24, 2009, reference 01, that disqualified him for benefits upon a finding that he had voluntarily left employment with CRST Van Expedited, Inc. in order to enter self employment. After due notice was issued, a telephone hearing was held March 24, 2009 with Mr. Veber participating. Human Resources Specialist Sandy Matt participated for the employer. Claimant Exhibit A was admitted into evidence.

ISSUE:

Did the claimant leave employment with good cause attributable to the employer?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Patrick H. Veber worked as a company driver for CRST Van Expedited, Inc. from September 7, 2007 until he resigned on May 21, 2008 in order to become an owner/operator. Further employment was available to Mr. Veber.

After Mr. Veber entered self employment, medical issues arose.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Mr. Veber's separation from employment was a disqualifying event. It was.

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 evidence establishes that Mr. Veber voluntarily left employment covered by the unemployment insurance system to enter self employment. According to 871 IAC 24.25(19), leaving employment under such circumstances is considered to be a quit without good cause attributable to the employer. Benefits must be withheld.

Since the medical issues involving Mr. Veber arose after the end of the employment, the administrative law judge concludes that the issue need not be addressed in this decision.

DECISION:

The unemployment insurance decision dated February 24, 2009, reference 01, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs