

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOHN W COLLINS
Claimant

APPEAL NO. 07A-UI-03614-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DECKER TRUCK LINE INC
Employer

**OC: 11/26/06 R: 01
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

John Collins filed an appeal from a representative's decision dated April 6, 2007, reference 02, which denied benefits based on his separation from Decker Truck Line, Inc. (Decker). After due notice was issued, a hearing was held by telephone on April 24, 2007. Mr. Collins participated personally. The employer participated by Jim Wilkins, Vice President for Safety/Human Resources. The employer was represented by William Fairbank, Attorney at Law.

ISSUE:

At issue in this matter is whether Mr. Collins was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Collins has been employed by Decker since December 16, 1998. He worked as a truck driver during winter months when he was laid off from his seasonal job. His last period of employment was from December 15, 2006 through March 6, 2007. He notified the employer on March 6 that he was quitting to return to his former job. He had received notice in January that he was to return on March 22, 2007.

On March 5, 2007, Mr. Collins was notified that he had been randomly selected to undergo a drug screening. He refused to undergo the drug testing and wanted the employer to place him on "inactive" status. He knew that the refusal could disqualify him from driving and from rehire by Decker. He still refused to have the drug screening.

Mr. Collins had been averaging approximately 3,000 to 4,000 miles per week. During the last 15 days of his employment, he had 2,500 miles. There had been no guarantee of miles. The employer did tell him they would try to keep him busy. The availability of miles is dependent on the employer's business needs.

REASONING AND CONCLUSIONS OF LAW:

An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Mr. Collins voluntarily quit working for Decker even though work continued to be available for him. He left on March 6 but was not scheduled to return to his regular job until March 22. Although he cited the number of miles he was receiving as the basis for leaving, he had not been guaranteed any minimum number of miles. Given the amount of time he had driven for Decker, he had to have known that a high number of miles might not be possible every week. For the above reasons, the lack of as many miles as he may have desired did not constitute good cause attributable to the employer for quitting.

It appears that the employer's announcement of a random drug test may have played a part in Mr. Collins' decision to quit on March 6, rather than some later date. He refused to take the drug test and quit the next day. If he were not anticipating a positive drug test result, there would seemingly be no reason for him to refuse the test. Given that he had worked for Decker during his seasonal layoffs since 1998, it would seem that he would want to take the test to make sure he continued to be eligible for rehire the next time he was laid off. The fact that one does not want to undergo a required drug test does not constitute good cause attributable to the employer for quitting.

After considering all of the evidence and the contentions of the parties, the administrative law judge concludes that Mr. Collins quit his employment voluntarily but did not have good cause attributable to the employer for doing so. Accordingly, benefits are denied.

DECISION:

The representative's decision dated April 6, 2007, reference 02, is hereby affirmed. Mr. Collins voluntarily quit his employment with Decker for no good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css