

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARTY E COLLINS

Claimant

APPEAL NO. 13A-UI-00484-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CRST VAN EXPEDITED INC

Employer

OC: 12/16/12

Claimant: Appellant (5)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the January 11, 2013 (reference 01) decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call on February 15, 2013. Claimant participated. Employer participated through human resources specialist, Sandy Matt.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as an over-the-road driver and was separated from employment on November 21, 2012. Co-driver and fiancée Christine Jovie notified dispatcher/fleet manager Mike Weestenbergh that claimant was incarcerated on November 20 for driving while intoxicated and lost his commercial driver's license (CDL).

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

Iowa Code § 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.

In the context of the Iowa Employment Security Law, the separation is considered a quit. An individual who does not report to the employment because of incarceration is presumed to have quit without good cause attributable to the employer. Iowa Admin. Code r. 871-24.25(16). More

significantly, the loss of his job-required CDL because of his voluntary personal behavior of driving while intoxicated was another reason for the separation that was without good cause attributable to the employer. Benefits are denied.

DECISION:

The January 11, 2013 (reference 01) decision is modified without change in effect. Claimant voluntarily left the employment without 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 benefit amount, provided he is otherwise eligible.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/css