

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WESLEY DANIEL
Claimant

APPEAL NO: 13A-UI-11863-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

HEARTLAND EXPRESS INC OF IOWA
Employer

OC: 09/08/13
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the October 10, 2013, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on November 14, 2013. The claimant participated in the hearing. Dave Damasso, Human Resources Representative, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left his employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time over-the-road truck driver for Heartland Express from March 6, 2013 to July 16, 2013. The employer determined he voluntarily left his job after he abandoned his truck.

On July 12, 2013, at 3:15 p.m. the claimant picked up a load in Pooler, Georgia, to be delivered in Atlanta July 16, 2013, at 5:00 p.m. On July 14, 2013, the employer received a note from the claimant that he had taken a \$42.00 advance. When it checked his location it discovered the truck was in Brunswick, Georgia, 45 minutes in the opposite direction from where the claimant was to deliver his load. Brunswick is also where the claimant lives. The employer called the Pilot Truck Stop because it believed that was where the truck was but the Pilot employees could not find it so consequently the employer called the local police. The truck was finally located and towed to a secure lot. The claimant had not made any contact with the employer after leaving the note that he was taking an advance against his wages. The employer checked with the terminal manager who stated he had not received any information from the claimant and never heard back from him.

The claimant stated he is diabetic and became ill during that trip so he decided to go to Brunswick, even knowing that would place him out of route. He indicated he parked the truck in

a residential area July 14, 2013, and when he returned to the truck the following day it was gone. The claimant testified he was so ill he passed out and was too sick to check on the truck occasionally or find the employer's number to inform it where he and the truck were and what was going on but he was not so ill that he required medical treatment and he did not see a doctor. He did not believe he needed to see a physician even though he was too sick to check on the truck. He finally called the employer July 16, 2013, at which time he was notified the employer considered him to have abandoned his job and voluntarily quit.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment without good cause attributable to the employer.

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.

In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

While the claimant may have become ill on his route, he had the means in the truck to communicate that to the employer but failed to do so. He also had access to telephones at his mother-in-law's house, but chose not to use the phone to contact the employer. Consequently, while the employer could track the truck's movement, it did not know where the claimant was. The claimant's testimony about being too sick to call the employer or check on the truck where he left it but not so ill that he sought medical treatment was not particularly credible, given that he stated he passed out and was too sick to go to the truck but did not see a doctor. Under these circumstances the administrative law judge concludes the claimant voluntarily left his employment without good cause attributable to the employer. He has not demonstrated his leaving was due to unlawful, intolerable, or detrimental working conditions as required by Iowa law. Therefore, benefits are denied.

DECISION:

The October 10, 2013, reference 01, decision is affirmed. The claimant voluntarily left his 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/css