

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CASEY A MUSTERED

Claimant

APPEAL NO. 08A-UI-00337-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HEARTLAND EXPRESS INC OF IOWA

Employer

**OC: 12/02/07 R: 12
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated January 3, 2008, reference 02, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on January 28, 2008. The parties were properly notified about the hearing. The claimant participated in the hearing. Lea Peters participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked for the employer as a truck driver from September 20, 2006, to July 12, 2007. The claimant became increasingly unhappy with driving for the employer because he believed he was receiving fewer miles than when he first started working for the employer and was not getting the time at home that the employer suggested he would when he was hired. The employer, however, did not provide the claimant with any guarantees regarding the number of miles he would drive or the amount of time he was going to be at home. The claimant had complained to the head of driver retention, but the situation did not improve.

The final incident happened after the claimant completed a load in Chicago. The dispatcher contacted the claimant to take a load from Cedar Rapids to Pennsylvania. The claimant declined the load because he believed he was going to be shortchanged on his at home time. He drove the truck home empty and sent the employer a message stating he had decided to quit employment and that the employer should come pick up the truck.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit 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.

The claimant has not established the employer breached any employment agreement or that working conditions were intolerable. At most, the claimant has shown he quit because he was dissatisfied with working conditions, which does not establish good cause attributable to the employer as required to receive unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated January 3, 2008, reference 02, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. If the claimant has requalifying wages, he should present proof of those wages to the Agency to remove the disqualification.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw