

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**REGGIE ROBERSON**

Claimant

**APPEAL NO. 10A-UI-04857-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HEARTLAND EXPRESS INC OF IOWA**

Employer

**Original Claim: 02-14-10**

**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the March 15, 2010, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on May 13, 2010. The claimant participated in the hearing. Lea Peters, Human Resources Generalist, and Brent Helle, Terminal Manager, 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 October 29, 2008 to February 2, 2010. He asked for and was granted vacation time from January 15 to January 30, 2010. He was instructed to contact the dispatch office January 28, 2010, so he could be assigned a truck and be ready to drive when his vacation was over. Terminal Manager Brent Helle attempted to call the claimant two to three times prior to January 26, 2010, to remind him to call the dispatch office and was finally able to reach him and give him the information January 26, 2010. Mr. Helle told the claimant he was going to be gone until February 1, 2010, due to a death in his family. The claimant was off work because his mother was ill and could not be left alone. He still was not in a position to return January 28, 2010, but did not call anyone with the employer because Mr. Helle was gone and he wanted to drive to his location and talk to him in person about his mom. He did not read his policy manual and because Mr. Helle was not aware the claimant was off work because his mother was ill, the claimant did not know to ask and Mr. Helle did not know to tell him about FMLA. Because the claimant was unable to return to work at the end of his 15-day vacation, he decided to quit his job. He is still not able to return to work at this time due to his mother's condition.

## 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.

871 IAC 24.25(20) provides:

Voluntary quit without good cause. 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. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

871 IAC 24.25(23) provides:

Voluntary quit without good cause. 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. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(23) The claimant left voluntarily due to family responsibilities or serious family needs.

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. 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 used his vacation to care for his ill mother, he was gone for more than 10 days and did not inform the employer that was the reason he was gone. Consequently, the employer could not direct him toward its FMLA program prior to his decision to quit because he was unable to return to work at the end of his vacation period. Although the claimant had a good personal reason for his absence, that reason was not attributable to the employer (emphasis added) for his leaving. Therefore, benefits must be denied.

**DECISION:**

The March 15, 2010, 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.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/kjw