

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KENDALL S CARPENTER
Claimant

APPEAL NO. 10A-UI-17201-WT

**ADMINISTRATIVE LAW JUDGE
DECISION**

RUAN TRANSPORT CORP
Employer

OC: 10/25/09
Claimant: Respondent (1)

Section 96.5-2-a – Discharge for Misconduct
Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Employer filed an appeal from a fact-finding dated December 10, 2010, reference 03, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on February 18, 2011. Claimant participated personally. Employer did not respond to phone calls from the undersigned administrative law judge and therefore did not participate. Exhibit A, pages 1-5 was admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds as follows. Claimant began working for the employer, including various subsidiaries, in approximately February 2009. Claimant quit his employment on October 17, 2011 because he was not receiving the pay he was promised when he took the job. In addition, he was not provided a safe vehicle to drive. The claimant was not fired.

REASONING AND CONCLUSIONS OF LAW:

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.

It is held that the evidence has established that claimant voluntarily quit for good cause attributable to employer when he terminated the employment relationship he was not receiving the pay he was promised when he took the job. In addition, he was not provided a safe vehicle to drive.

When Mr. Carpenter accepted employment with Ruan, he was told he would average 3,000 miles per week. After some time of averaging this amount, his miles and pay decreased. He complained about his miles and pay in November 2009. It improved for a short period of time and then declined to the point that Mr. Carpenter could not afford to continue working there.

On October 17, 2010 Mr. Carpenter filled out a Driver Vehicle Inspection Report listing numerous safety problems with his truck. The problems were not corrected. Mr. Carpenter quit the same day.

Both of these reasons amount to "good cause attributable to the employer" as defined by Iowa Code section 96.5(1)(a) (2009). See Iowa Administrative Code 871-24.26(1) and (2).

Since the claimant is eligible to receive unemployment benefits, the overpayment issue is moot.

DECISION:

The fact-finding decision dated December 10, 2010, reference 03, is affirmed. Claimant is eligible to receive unemployment insurance benefits, provided claimant meets all other eligibility requirements.

Joseph L. Walsh
Administrative Law Judge

Decision Dated and Mailed

jlw/css