

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBERTO VERDECIA
Claimant

APPEAL NO: 11A-UI-05013-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

CRST VAN EXPEDITED INC
Employer

OC: 03-20-11
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the April 11, 2011, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on May 11, 2011. The claimant participated in the hearing. Sandy Matt, Human Resources Specialist, 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 CRST Van Expedited from January 28, 2010 to October 4, 2010. At the time of hire the claimant indicated he wanted to be an owner/operator, which is an independent contractor position. The employer told him it would probably be six or seven months before it would have an owner/operator position available for him. On October 2, 2010, the employer notified the claimant it had an owner/operator position for him and his last day of work for the employer was October 4, 2010. He worked as an owner/operator until March 21, 2011, when his contract ended.

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 § 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 § 96.6-2. The claimant left his full-time driver position with the employer to become an independent owner/operator. He indicated at the time of hire he wanted that position and the employer allowed him to become an independent contractor after he had driven for them for approximately 10 months. The claimant was not forced to become an independent contractor but chose to become one. Under these circumstances, the administrative law judge concludes the claimant's leaving was not for good cause attributable to the employer as defined by Iowa law. Therefore, benefits must be denied.

DECISION:

The April 11, 2011, 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/pjs