

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBERT J ERICKSON

Claimant

APPEAL NO. 10A-UI-15593-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DECKER TRUCK LINE INC

Employer

OC: 08/15/10

Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Robert Erickson filed an appeal from a representative's decision dated November 3, 2010, reference 01, which denied benefits based on his separation from Decker Truck Line, Inc. (Decker). After due notice was issued, a hearing was held by telephone on January 3, 2011. Mr. Erickson participated personally. The employer participated by Brenda McNealey, Director of Human Resources.

ISSUE:

At issue in this matter is whether Mr. Erickson was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Erickson was employed by Decker from June 5, 2008 until April 16, 2010 as an over-the-road truck driver. He quit the employment to relocate to Colorado. Because Decker does not operate in the western states, it was necessary to leave his employment.

Prior to leaving Decker, Mr. Erickson was in contact with Knight Trucking in Las Vegas, Nevada. He was told an over-the-road position would be available if he arrived before the job closed. He did not ask when the job closed. By the time he arrived, the job had closed and another candidate hired. But for his move to Colorado, Mr. Erickson would have remained in his employment with Decker. Continued work would have been available if he had not quit.

REASONING AND CONCLUSIONS OF LAW:

An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Mr. Erickson quit Decker in order to move to Colorado. Where an individual leaves employment to move to a different locality, his separation is presumed to be without

good cause attributable to the employer. 871 IAC 24.25(2). Although Mr. Erickson may have had good personal cause for quitting, his separation was not caused by the employer.

The administrative law judge has considered whether Mr. Erickson left his employment in good faith for the sole purpose of accepting other work as provided by Iowa Code section 96.5(1)a. It is concluded from all of the evidence that he did not have a firm job offer from Knight Trucking when he left Decker. The fact that he had to arrive before the job closed confirms that he did not have an actual job offer. If the job had, in fact, been offered to him, there would seemingly be no need for him to arrive before it closed. It is concluded that he had only the opportunity for a new job, not an actual job offer.

After considering all of the evidence, it is concluded that Mr. Erickson's separation was without good cause attributable to Decker. Accordingly, benefits are denied.

DECISION:

The representative's decision dated November 3, 2010, reference 01, is hereby affirmed. Mr. Erickson voluntarily quit his employment without good cause attributable to the employer. Benefits are denied until he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css