

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SKYLER L WATTERS
Claimant

APPEAL NO: 13A-UI-06042-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ROSS NEELY SYSTEMS
Employer

OC: 04/14/13
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Skyler L. Watters (claimant) appealed a representative's May 13, 2013 decision (reference 02) that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment with Ross Neely Systems (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 26, 2013. The claimant participated in the hearing. Dawn Brown appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

OUTCOME:

Affirmed. Benefits denied.

FINDINGS OF FACT:

The claimant started working for the employer on October 17, 2013. He worked full time as an over-the-road truck driver, working five varying days per week. His last day of work was March 7, 2013. He voluntarily quit effective that date. His reason for quitting was that he had some personal issues to deal with, after which he hoped to return to employment with the employer.

Prior to January 2013 the claimant had been charged with possession of marijuana. While the claimant asserted in the hearing that someone else was responsible, he did plead guilty to the charge in January 2013. He was then notified that his driver's license, along with his commercial driver's license (CDL), would be suspended after March 6, 2013 for a period of six months. He then informed the employer that he would have to leave the employment until he could resolve the issues regarding his license. The employer is willing to consider rehiring the claimant if he can satisfy the necessary department of transportation requirements. He will not be able to seek reinstatement of his license until September 2013.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit his employment, he is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1. Rule 871 IAC 24.25 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. *Bartelt v. Employment Appeal Board*, 494 N.W.2d 684 (Iowa 1993); *Wills v. Employment Appeal Board*, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless he voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. Leaving because of a loss of a required driver's license is a good personal reason for leaving, and he may have had little choice but to leave, but it is not a reason attributable to the employer. The claimant has not satisfied his burden. Benefits are denied.

DECISION:

The representative's May 13, 2013 decision (reference 02) is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. As of March 7, 2013, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css