

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DAVID P BEGNELL**

Claimant

**APPEAL NO. 14A-UI-01182-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CRST VAN EXPEDITED INC**

Employer

**OC: 01/05/14**

**Claimant: Appellant (1)**

Iowa Code § 96.5(2)a – Discharge/Misconduct

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the January 31, 2014, (reference 01) unemployment insurance decision that denied benefits. After due notice was issued a hearing was held on February 24, 2014. Claimant participated. Employer did participate through Sandy Matt, Human Resources Specialist.

**ISSUE:**

Did the claimant voluntarily quit his employment without good cause attributable to the employer or was he discharged due to job connected misconduct?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as an over-the-road truck driver beginning on March 17, 1999 through November 7, 2013 when he was discharged. When the claimant was hired and for all the years he has worked for the employer he knew that he was required to maintain a medical certification from the Department of Transportation (DOT) making him eligible to drive a truck. The claimant was in a non-work related car accident on October 8 where he lost consciousness. He had four weeks of FMLA time remaining for his use. He used up his last four weeks of FMLA and the employer had work available for him. The claimant can no longer drive a truck because the DOT has determined he is no longer medically certified to drive a truck. The claimant was never promised any other type of work when he was hired by the employer.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant was discharged from employment due to job-related misconduct.

Iowa Code section 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

871 IAC 24.32(1)a provides:

Discharge for misconduct.

(1) Definition.

a. "Misconduct" is defined as a deliberate act or omission by a worker which constitutes a material breach of the duties and obligations arising out of such worker's contract of employment. Misconduct as the term is used in the disqualification provision as being limited to conduct evincing such willful or wanton disregard of an employer's interest as is found in deliberate violation or disregard of standards of behavior which the employer has the right to expect of employees, or in carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design, or to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer. On the other hand mere inefficiency, unsatisfactory conduct, failure in good performance as the result of inability or incapacity, inadvertencies or ordinary negligence in isolated instances, or good faith errors in judgment or discretion are not to be deemed misconduct within the meaning of the statute.

In order to work as a driver for the employer, the claimant was required to be certified by the DOT that he was medically able to perform the job. Much like an employee required to keep a nursing license, commercial driver's license or gaming license, loss of that license or certification means the employer may not legally allow them to perform their former job tasks. The claimant knew when he was hired that he was required to maintain that medical certification. He is no longer DOT certified to work due to a non-work-related incident. The claimant's loss of medical certification is job connected misconduct sufficient to disqualify him from receipt of unemployment insurance benefits. Benefits are denied.

**DECISION:**

The January 31, 2014 (reference 01) decision is affirmed. The claimant was discharged from employment due to job-related misconduct. 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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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/pjs