

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES R PARRISH
Claimant

APPEAL NO. 11A-UI-14656-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CRST FLATBED REGIONAL INC
Employer

OC: 10-02-11
Claimant: Respondent (1)

Iowa Code § 96.5(1) – Voluntary Leaving
871 IAC 24.26(4) – Intolerable Working Conditions

STATEMENT OF THE CASE:

The employer filed a timely appeal from the November 3, 2011, reference 01, decision that allowed benefits. After due notice was issued, a hearing was held on December 6, 2011. The claimant did participate. The employer did participate through Sandy Matt, Human Resources Specialist.

ISSUE:

Did the claimant voluntarily quit his employment without 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 an over-the-road driver full time beginning September 1, 2010 through October 22, 2010 when he voluntarily quit. The claimant complained about the safety practices of his co-driver Robert James. Mr. James was speeding, driving with his elbow and speeding through construction sites. The claimant followed the chain of command and made his complaints to his direct supervisor Nathan Walter. Mr. Walter kept promising the claimant that he would move the claimant to another truck with a different co-driver but never did so. The claimant made a video of Mr. James driving with his elbow and sent it the safety director Steve Reichart who did not move the claimant out of the truck. When the claimant called Mr. Reichart to tell him he was quitting because he was being required to drive with a co-worker who would not follow the safety rules, Mr. Reichart told him that he understood and that he wished he had known about the situation sooner. The claimant only quit due to unsafe working conditions, not due to any other issues.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment with 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.

871 IAC 24.26(2), (3), (4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(2) The claimant left due to unsafe working conditions.

(3) The claimant left due to unlawful working conditions.

(4) The claimant left due to intolerable or detrimental working conditions.

The claimant was being required to drive with a co-worker who was blatantly violating speeding laws and was driving in an unsafe manner. The claimant followed the chain of command and sought relief from the employer who failed to address his concerns. The claimant's decision to voluntarily quit under these circumstances was with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

DECISION:

The November 3, 2011, reference 01, decision is affirmed. The claimant voluntarily left his employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs