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

BRUCE J SHIPLEY
Claimant

APPEAL NO. 09A-UI-05393-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CRST VAN EXPEDITED INC
Employer

**OC: 02/22/09
Claimant: Appellant (1)**

Section 96.5(1)a – Quit/Other Employment

STATEMENT OF THE CASE:

The claimant, Bruce Shipley, filed an appeal from a decision dated March 30, 2009, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on May 4, 2009. The claimant participated on his own behalf. The employer, CRST, participated by Human Resources Specialist Sandy Matt.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Bruce Shipley was employed by CRST from January 4, 2008 until September 19, 2008 as a full-time over-the-road driver. He was hired as a team driver and it was his responsibility to find a second driver. The employer did provide him with lists of available drivers in his area to contact when he needed a partner.

On September 19, 2008, the claimant contacted Dispatcher John Livingston to say he was quitting for "family and personal reasons," as well as dissatisfaction with the operation. He had been given a list of two names of possible co-drivers in his area, but the one number was disconnected and no one answered at the other one. Instead of asking for more referrals he quit.

But the main reason he quit was that he had been offered a job with another trucking company, KLLM. A representative from that company had called him that same day and told him to quit his current job, so he did. He was to go to California for an orientation and then he would be hired. He did attend the orientation but was not hired. He worked nowhere else from September 2008 until filing his claim for benefits effective February 22, 2009. Mr. Shipley stated he had been paid for the three-day orientation but no wages have been reported for him from that company.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1-a 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. But the individual shall not be disqualified if the department finds that:
>
> a. The individual left employment in good faith for the sole purpose of accepting other or better employment, which the individual did accept, and the individual performed services in the new employment. Benefits relating to wage credits earned with the employer that the individual has left shall be charged to the unemployment compensation fund. This paragraph applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The claimant quit CRST because he had been offered a job with KLLM. But he was not hired to KLLM in spite of attending the orientation in California as agreed. Under the provisions of the above Code section, this is a voluntary quit without good cause attributable to the employer and the claimant is disqualified.

His other reason for quitting was not being provided with current phone numbers for the other drivers so he could contact them to be a co-driver with him. He was aware of the requirement to have a co-driver as a part of his employment, and his responsibility to have one. He made no attempt to ask the dispatcher for an updated list but quit on the belief he had a job with KLLM.

He may have requalified if he can provide evidence of any earnings from KLLM for the three-day orientation. Any such documentation should be provided to Iowa Workforce Development.

DECISION:

The representative's decision of March 30, 2009, reference 01, is affirmed. Bruce Shipley is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

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Bonny G. Hendricksmeyer
Administrative Law Judge

_____
Decision Dated and Mailed

bgh/css