

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ERICK P OSBORN**  
Claimant

**APPEAL NO: 11A-UI-15766-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HAYES TRANSPORT SERVICE LLC**  
Employer

**OC: 10/30/11  
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's November 29, 2011 determination (reference 03) that disqualified him from receiving benefits and held the employer's account exempt from charge because he voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant participated in the hearing. Nile Hayes, the owner, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant is not qualified to receive benefits.

**ISSUE:**

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits?

**FINDINGS OF FACT:**

In May 2010 the claimant started working full time as a short haul driver for the employer. Initially, the claimant was assigned only day runs. The claimant understood when he accepted the job that once in a while the employer had to schedule him overnight loads.

The claimant's wife developed health problems that make it difficult for her to take care of two small children. The claimant did not want to be too far away from home in case his wife needed him. The employer tried to schedule the claimant jobs that did not take him too far from home. Finally, the claimant was so worried about his family that he did not believe he was as focused on his job as he should be. As of July 16, 2011, the claimant resigned so he could be close to his family every day. The claimant's job was not in jeopardy when he resigned.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he voluntary quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6(2).

The law presumes a claimant quits for reasons that do not qualify him to receive benefits when he leaves for compelling personal reasons and is absent more than ten working days. 871 IAC 24.25(20). It is understandable why the claimant resigned. Even though the employer tried to accommodate the claimant when scheduling routes for him, this was not always possible. The claimant established justifiable personal reasons for quitting. For unemployment insurance purposes, the claimant's reason for quitting does not qualify him to receive benefits. As of July 16, 2011, the claimant is not qualified to receive benefits.

**DECISION:**

The representative's November 29, 2011 determination (reference 03) is affirmed. The claimant voluntarily quit his employment for compelling personal reasons that do not qualify him to receive benefits. Based on this employment separation, the claimant is disqualified from receiving unemployment insurance benefits as of July 16, 2011. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs