

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

GARY M HOVEY
Claimant

RICKS CUSTOM INC
Employer

APPEAL 20A-UI-11814-CL-T
ADMINISTRATIVE LAW JUDGE
DECISION

OC: 07/19/20
Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On September 22, 2020, the claimant filed an appeal from the September 23, 2020, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on November 17, 2020. Claimant participated. Employer did not register for the hearing and did not participate.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on December 1, 2019. Claimant last worked as a full-time truck driver. Claimant was separated from employment on June 1, 2020, when he resigned.

When claimant was hired, owner Dale Ricks told claimant that he ran a family oriented business and that the work day would start at 7:00 a.m. After claimant started working for Ricks, he found out that he would instead be expected to start work around 4:00 a.m. and work up to 18 to 20 hours per day. Ricks asked claimant to drive on the weekends he had custody of his three-year old son. Claimant explained he had his son that weekend, and Ricks told claimant to take his son along.

In March or April 2020, claimant told Ricks that he was driving too many hours. Ricks dismissed claimant's concerns and told him that if he did not like it, he could find another job.

On June 1, 2020, claimant began his work day at 4:00 a.m. and worked until 2:30 p.m. At 2:30 p.m., Ricks assigned claimant to pick up a load at 9:00 p.m. Claimant did so and did not finish working until 2:00 a.m. Claimant was expected to be at work the next morning, but knew that he needed to sleep. Claimant informed Ricks he would not be at work the next day. Ricks assigned someone else to drive claimant's truck.

That day, claimant informed Ricks that he was resigning.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was with good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

Iowa Admin. Code r. 871-24.26(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:

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

In this case, employer assigned claimant to drive unreasonable and unsafe work hours. Employer disregarded claimant's legitimate complaints about the issue. Claimant had no other choice but to resign. Claimant established he resigned for a good cause reason attributable to employer.

DECISION:

The September 23, 2020, (reference 01) unemployment insurance decision is reversed. Claimant resigned for a good cause reason attributable to employer. Benefits are allowed, provided claimant is otherwise eligible.



Christine A. Louis
Administrative Law Judge
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November 24, 2020
Decision Dated and Mailed

cal/mh