

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DARLENE L MILLER

Claimant

APPEAL NO. 09A-UI-03489-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CRST VAN EXPEDITED INC

Employer

Original Claim: 02/01/09

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Darlene Miller filed an appeal from a representative's decision dated February 26, 2009, reference 01, which held her not eligible to receive unemployment insurance benefits. After due notice was issued, a telephone conference hearing was scheduled for and held on March 31, 2009. The claimant participated personally. The employer participated by Ms. Sandy Matt, human resource specialist.

ISSUE:

At issue in this matter is whether the claimant quit for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all the evidence in the record, finds: The claimant was most recently employed as an over-the-road tractor trailer driver for this employer from May 8, 2008, until November 22, 2008, when Ms. Miller voluntarily resigned her position.

The claimant left her employment on November 22, 2008, for a variety of reasons, which included dissatisfaction with the company's transportation rule, dissatisfaction with past co-drivers, and the inability of the company to place the claimant into a solo driving position.

Ms. Miller had previously been employed by CRST Van Expedited and was generally aware of company rules. The claimant had previously quit employment but had requested to be re-hired by the company. During her most recent period of employment, Ms. Miller had complained about co-drivers and the company had taken action to change drivers at the claimant's request. The claimant was aware that the company did not provide transportation to and from a driver's residence. Permission to drive the truck home was granted to drivers only on a case-by-case basis depending upon locations, accessibility, and security. During the claimant's most recent period of employment with the company, the company did not have a solo-driver division. Team drivers are not promised that they will be assigned to solo positions by the company. Ms. Miller resigned her position with the company on or about November 22, 2008, when she disagreed with dispatching decisions that had been made at the request of a co-driver.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes good cause attributable to the employer for leaving this employment. It does not.

The evidence in the record establishes that Ms. Miller had previously been employed by CRST Van Expedited and was aware of company rules and policies. The claimant requested to be re-hired and was re-hired as a team driver. The evidence in the record establishes that when the claimant complained about other drivers, the employer took reasonable action to accommodate the claimant's request by removing the drivers that the claimant objected to. The evidence establishes the company does not promise to provide transportation but only offers transportation as an accommodation under special circumstances. Ms. Miller knew or should have known that the routing of company vehicles is determined by the company's dispatchers and that team drivers are expected to remain with the truck when dispatched by the company.

While Ms. Miller's reasons for leaving were undoubtedly good from her personal viewpoint, the administrative law judge concludes that the claimant's reasons for leaving were not attributable to the employer. Ms. Miller knew or should have known company rules and procedures based upon her prior employment, and the evidence establishes the claimant remained with the company after becoming aware of rules that she did not agree with during her most recent period of employment.

Iowa Code section 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.

DECISION:

The representative's decision dated February 26, 2009, reference 01, is affirmed. The claimant voluntarily quit employment for reasons not attributable to the employer. The claimant is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw