

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

TODD J ALLEN
Claimant

HEARTLAND EXPRESS INC OF IOWA
Employer

APPEAL NO. 14A-UI-11738-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 10/12/14
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated November 13, 2014, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on December 4, 2014. Claimant participated and was represented by paralegal John Graupmann. Employer participated by David Dalmasso and Tom Kasenberg. Employer's Exhibits One through Five and Claimant's Exhibits A through C were admitted into evidence.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on October 10, 2014. Claimant was an over-the-road truck driver for employer. On October 10, 2014 claimant picked up a load for employer. The load was to be delivered to an address a couple hours away from claimant's residence. Early on October 11, 2014 claimant returned to his residence. Claimant believed that he needed to spend 34 hours at home, including two nights, before he could get back on the road to complete his delivery. Claimant believed he was not to be back on the road with his load until 5:00 a.m. on October 13, 2014 and this would not allow him time to timely deliver his load. The load was to be delivered by 6:00 a.m. at the latest and the place of delivery was two hours away from claimant's residence. Claimant believed that he could not possibly stay at his place until 5:00 a.m. on October 13, 2014 and then make a delivery at a place two hours away that was due at 6:00 a.m. on that date.

Employer was in contact with claimant and attempted to explain to claimant that the period of rest only comes into play when a driver has driven 70 hours in a given week. Claimant was not approaching the seventy hour limit when he stayed at home. Claimant had a computer within his vehicle that explained the number of hours driven and remaining for his seventy hour limit. Claimant stated that he didn't know of this information.

Claimant refused to deliver the load in a timely basis. Employer offered to create situations which would allow claimant more time off, but still allow the load to be delivered. Claimant was not amenable to any of these offers. Claimant stated that employer threatened to fire him and employer denied this, saying drivers were in very short supply. Claimant stated that he was just fired by employer while employer stated that claimant had agreed to meet with him on October 13, 2014 but hadn't shown for the meeting. As claimant did drop off his truck, employer saw this as a voluntary quit.

REASONING AND CONCLUSIONS OF LAW:

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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he mistakenly believed that he was supposed to take a 34 hour break and not get back onto the road to deliver items until after 5am.

Employer's testimony is found to be more credible than claimant's testimony. This is because claimant knew or should have known of the seventy hour time limit that brings into play the mandatory time off. The information as to how many hours claimant has driven were available on the computer located inside claimant's cab. Claimant's statement that he only pays attention to miles and not hours driven makes little sense. Claimant makes his living through over-the-road driving. To not understand rules and regulations inherent in his chosen profession created a situation where claimant quit his work when said quitting wasn't necessary.

Claimant's working conditions were not unlawful and, as such, claimant's quit was not for good cause attributable to employer.

DECISION:

The decision of the representative dated November 13, 2014, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/can