

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

HUGH R SPARKS  
PO BOX 518  
PAISLEY FL 32767-0518

HEARTLAND TRANSPORTATION INC  
PO BOX 123  
ESTHERVILLE IA 51334-0123

Appeal Number: 06A-UI-07904-DT  
OC: 07/02/06 R: 12  
Claimant: Appellant (1)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Hugh R. “Randy” Sparks (claimant) appealed a representative’s July 27, 2006 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment from Heartland Transportation, Inc. (employer). After hearing notices were mailed to the parties’ last-known addresses of record, a telephone hearing was held on August 22, 2006. The claimant participated in the hearing. Lisa Nissen appeared on the employer’s behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

FINDINGS OF FACT:

The claimant started working for the employer on April 25, 2004. He worked full time as an over-the-road truck driver in the employer's long-haul trucking business. His last day of work was June 20, 2006. About a week prior to that date, he had told the employer's dispatcher to schedule him back to the employer's yard so he could drop off the truck, as he was quitting. He was then scheduled to come back to the yard on June 20. His reason for quitting was having several instances of not getting reimbursement for various trip expenses paid the week the rest of the trip earnings were paid.

The claimant's normal gross weekly pay was approximately \$1,274.00 per week. He also was reimbursed for certain transportation expenses he might have personally advanced, such as unloading fees. In approximately March 2006, the employer's long-time bookkeeper retired and a new person was hired. Normally, payment for trip earnings and reimbursement for trip expenses would be made to the driver the week after the trip report was turned in by the driver. However, during the new person's training there were times when items that should have been included as reimbursable expenses were not reimbursed at the time the regular trip payments were made. However, these were discovered and paid generally the following week.

Just as the new person was becoming somewhat more proficient in recognizing which of the expenses needed to be reimbursed, in about May 2006 she had to leave employment for health reasons, and another new person was hired. The same issues occurred during the training of the second person, but again the initially omitted reimbursements were paid to the claimant generally the next week. The amount which could be delayed in payment varied from \$50.00 to \$300.00. There were about six out of nine trips over the approximately three-month period of mid-March through mid-June in which there were delayed payments of some of these reimbursable expenses. The claimant found these delays frustrating and decided to quit.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit, and if so, whether it was for good cause attributable to the employer.

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.

871 IAC 24.25 provides that, in general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The claimant did express his intent not to return to work with the employer. A voluntary leaving of employment requires an intention to terminate the employment relationship. Bartelt v. Employment Appeal Board, 494 N.W.2d 684 (Iowa 1993). The claimant did exhibit the intent to quit and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless he voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3), (4). Leaving because of a dissatisfaction with the work environment is not good cause. 871 IAC 24.25(21). Iowa Code §91A.3-6 allows an employer 30 days after submission of an expense claim to make reimbursement of the expense. There has been no showing that any of the delays in reimbursement exceeded 30 days. While the claimant's reimbursement situation was perhaps frustrating, he has not provided sufficient evidence to conclude that a reasonable person would find the employer's work environment detrimental or intolerable. O'Brien v. Employment Appeal Board, 494 N.W.2d 660 (Iowa 1993); Uniweld Products v. Industrial Relations Commission, 277 So.2d 827 (FL App. 1973). The claimant has not satisfied his burden. Benefits are denied.

DECISION:

The representative's July 27, 2006 decision (reference 01) is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. As of June 20, 2006, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

ld/kjw