

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ARTHUR J CROCKETT
Claimant

APPEAL NO. 09A-UI-00382-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CRST VAN EXPEDITED INC
Employer

OC: 10/12/08 R: 12
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Arthur Crockett filed an appeal from a representative's decision dated January 6, 2009, reference 01, which denied benefits based on his separation from CRST Van Expedited, Inc. (CRST). After due notice was issued, a hearing was held by telephone on January 26, 2009. Mr. Crockett participated personally and Exhibit A was admitted on his behalf. The employer participated by Sandy Matt, Human Resources Specialist.

ISSUE:

At issue in this matter is whether Mr. Crockett was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Crockett began working for CRST on May 15, 2007 as an over-the-road driver. He notified the employer in early September of 2008 that he needed to go home to take care of a problem regarding his CDL.

Mr. Crockett was told by the California Department of Motor Vehicles that he had to have a new driving test in order to retain his CDL. He was told he had 30 days in which to complete the driving test. He contacted his dispatcher and was told the employer would allow him 21 days in which to take care of the problem with his CDL. He did not obtain a CDL until January 5, 2009 and has been in contact with CRST about employment.

REASONING AND CONCLUSIONS OF LAW:

Mr. Crockett was given three weeks off from work to take care of the problem with his CDL. He did not return at the end of the three weeks. For this reason, the administrative law judge considers the separation to be a quit. An individual who quits employment is disqualified from receiving benefits unless his quit was for good cause attributable to the employer. Iowa Code section 96.5(1). It appears that Mr. Crockett quit because he did not have the CDL required for

his job. It was his responsibility to maintain a valid license that would allow him to legally perform his job. Therefore, the separation was not for any cause attributable to the employer.

Even if the administrative law judge were to conclude that Mr. Crockett was discharged, he still would not be entitled to job insurance benefits. An individual who was discharged from employment is disqualified from receiving benefits if the discharge was for misconduct. Iowa Code section 96.5(2)a. Where an individual's own conduct renders him unemployable by his employer, he is guilty of misconduct within the meaning of the law. See Cook v. Iowa Department of Job Service, 299 N.W.2d 698 (Iowa 1980). Mr. Crockett's failure to maintain a valid CDL made him unemployable by CRST and was, therefore, misconduct within the meaning of the law.

The administrative law judge appreciates that Mr. Crockett may not have had timely notice that there was a problem with his CDL. However, the motor vehicle department told him he had 30 days in which to correct the problem. He did not get a new CDL until January, over three months later.

DECISION:

The representative's decision dated January 6, 2009, reference 01, is hereby affirmed. Mr. Crockett quit his employment with CRST for no good cause attributable to the employer. Benefits are denied until he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw