

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**MARLYN J LYMAN**  
Claimant

**RUAN TRANSPORT CORP**  
Employer

**APPEAL 21A-UI-02958-LJ-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/22/20**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting of Employment  
Iowa Admin. Code r. 871-24.25 (21) – Dissatisfaction with Work Environment  
Iowa Admin. Code r. 871-24.25 (27) – Rather than Perform Assigned Work

**STATEMENT OF THE CASE:**

On January 13, 2021, the claimant, Marlyn J. Lyman, filed an appeal from the January 4, 2021 (reference 03) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit his employment because he was dissatisfied with his working conditions. The parties were properly notified of the hearing. A telephonic hearing was held on Friday, March 12, 2021. The claimant, Marlyn Lyman, participated. The employer, Ruan Transport Corporation, participated through Leah Nessler, Dispatch Manager. Claimant's Exhibit A and Employer's Exhibits 1 through 5 were received and admitted into the record without objection.

**ISSUE:**

Did claimant Marlyn J. Lyman quit his employment with good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time, most recently as a truck driver, from July 6, 2020, until Thursday, October 8, 2020, when he submitted his resignation and quit effective immediately. Continuing work was available, had claimant not quit his employment.

Claimant last reported to work on Wednesday, October 7, 2020. That day, he had made two trips from Des Moines to Atlantic, Iowa, and back. He contacted Nessler, and Nessler instructed him to make a third trip to Atlantic. Claimant expressed concern, as making a third trip to Atlantic would put him over fourteen hours on his electronic logging device and would be a violation of the law. Nessler informed him that once per week he was allowed to extend his day to sixteen hours, and this extension could be entered into the electronic logging device so he would not be in violation. This exception is written into the law. When Nessler told claimant about this, claimant said, "Okay," and hung up the phone. Claimant testified that he still believed this was putting him in violation of the law.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from employment was without good cause attributable to the employer.

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.

Iowa Admin. Code r. 871-24.26(3) 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:

(3) The claimant left due to unlawful working conditions.

Ordinarily, truck drivers are only permitted to have fourteen "on-duty" hours in which they can drive for up to eleven hours. 49 C.F.R. § 395.3(a)(2). Once a truck driver has reached the limit of this fourteen-hour period, they cannot drive again until they have been off duty for a minimum of ten consecutive hours. *Id.* However, the law contains what is known as the "16-Hour Short-Haul Exception." This provision allows for a driver who comes back to their work location and goes home at the end of the work day to extend their 14-consecutive-hour driving window to sixteen hours once every seven days. 49 C.F.R. § 395.1(o).

Here, claimant was asked to extend his workday to sixteen hours in accordance with federal regulations. He was not asked to do anything illegal by his employer, and he did not do anything illegal by making a third trip to Atlantic.

Iowa Admin. Code r. 871-24.25 provides:

Voluntary quit without good cause. 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 employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer: ...

(21) The claimant left because of dissatisfaction with the work environment.

...

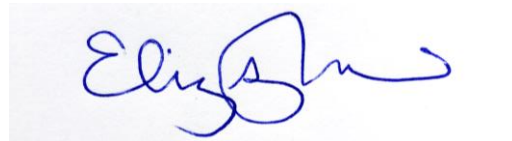
(27) The claimant left rather than perform the assigned work as instructed.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973).

Here, claimant decided to end his employment after being asked to work a fourteen-plus-hour day by the employer. As discussed above, there was nothing illegal about the employer's request. Claimant simply disagreed with the long hours. Claimant's decision to end his employment was without good cause attributable to the employer, and benefits are withheld.

**DECISION:**

The January 4, 2021 (reference 03) unemployment insurance decision is affirmed. Claimant separated from employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.



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March 16, 2021  
Decision Dated and Mailed

lj/mh