

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JACOB L BALL
Claimant

CRST VAN EXPEDITED INC
Employer

APPEAL 19A-UI-07962-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 09/22/19
Claimant: Appellant (1)

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On October 12, 2019, Jacob L. Ball (claimant) filed an appeal from the October 9, 2019, reference 01, unemployment insurance decision that claimant voluntarily quit work due to personal reasons. The parties were properly notified about the hearing. A telephone hearing was held on October 31, 2019. The claimant participated personally. CRST Van Expedited Inc. informed the bureau prior to hearing that it would not participate and did not participate.

ISSUE:

Was the separation a layoff, discharge for misconduct, or voluntary quit without good cause?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The claimant was employed full-time by employer as a truck driver, beginning on December 5, 2015. His last day worked was August 15, 2019. In mid-July he informed his supervisor, Danny Nemers, that he was resigning effective August 23, 2019. Claimant did resign and returned the truck to employer on that date. Claimant informed Nemers he was resigning because he needed more time at his home in West Virginia, specifically to repair the home and maintain the 35 acres he owned there. Claimant owned this property when he accepted the job with employer.

Claimant's schedule when he began employment was to work 28 days and then have four days off. After doing that route for approximately a year, claimant requested a route that would allow him to be home more often. He was then assigned to a route that allowed him to be on the road for seven days and then to stop by his home for about a day and a half to "re-set." Claimant had a week of vacation time that he was allowed to use and did use around the beginning of 2019. Nemers did look into other routes for claimant that would allow more time home. However, those routes would have resulted in a significant pay cut, so claimant declined to take those. When claimant resigned, he was hoping to find a job closer to home. However, he did not leave to take another job, and has not yet started work in another job.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the administrative law judge finds claimant voluntarily quit without good cause attributable to the employer. Claimant is thus disqualified for benefits.

Iowa Code section 96.5(1)a provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. 871-24.25(3) provides in relevant parts:

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:

(18) The claimant left because of a dislike of the shift worked.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). The employer has the burden of proving that a claimant's departure from employment was voluntary. *Irving v. Emp't Appeal Bd.*, 883 N.W.2d 179 (Iowa 2016). "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". *Id.* (citing *Cook v. Iowa Dept. of Job Service*, 299 N.W.2d 698, 701 (Iowa 1980)).

Here, claimant voluntarily left employment because he needed more time at his home in West Virginia, specifically to repair the home and maintain the 35 acres he owned there. While the administrative law judge understands why claimant made the decision to quit, whether or not claimant had an understandable reason for ending his employment is not the question this administrative law judge must decide. The question is whether claimant had both good cause for quitting and whether that good cause was attributable to the employer. Here, the claimant's need or desire to return home does not constitute good cause attributable to the employer.

DECISION:

The October 9, 2019 (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily quit for good cause not attributable to employer. Claimant is disqualified from benefits until he has worked in and been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided he is otherwise eligible.

Andrew B. Duffelmeyer
Administrative Law Judge

Decision Dated and Mailed

abd/scn