

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KEVIN J HARP
Claimant

CORKERY TRANSPORTS INC
Employer

APPEAL NO. 18A-UI-06366-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/20/18
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 June 8, 2018, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on June 27, 2018. Claimant participated. Employer participated by Ross Corkery.

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 May 15, 2018. Claimant voluntarily quit his job on that date because he stated that he was uncomfortable with the sizes of lots he was forced to use to do his deliveries and this worry caused him to lose sleep. Claimant decided that he did not wish to put his driving record at risk by continuing to have to do deliveries into such tight confines. Claimant did state that many other transport companies did deliveries to the same places with the same size trucks claimant drove.

Employer stated that all trucks that they use were of the 53 foot variety and that size is the industry standard. Employer also stated that claimant told them he wasn't sleeping because he would often park next to reefer trucks, and the reefer truck noise would keep claimant from being able to sleep at night.

Claimant did not provide any doctor's note requesting specialized larger lots for claimant to do deliveries to benefit his health.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.5-1 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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause when claimant quit his employment because he was concerned about the tight fits that the semi he drove had to fit into.

Claimant had to drive into the same spaces as all other drivers delivering to the customers. Claimant was not placed in a different situation than other drivers. Claimant was told that he could take his time to park in these tight spaces. Claimant had not received warnings for being too slow in his deliveries and did not show a medical reason behind his quit. Said quit was not attributable to employer.

DECISION:

The decision of the representative dated June 8, 2018, 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/scn