

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HERBERT L MILLER
Claimant

APPEAL NO. 08A-UI-02061-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CRST INC
Employer

OC: 01/27/08 R: 12
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Herbert L. Miller filed a timely appeal from an unemployment insurance decision dated February 18, 2008, reference 01, that disqualified him for benefits. After due notice was issued, a telephone hearing was held March 17, 2008 with Mr. Miller participating. Exhibits A and B were admitted into evidence on his behalf. Sandy Matt and Kate Bangs participated for the employer, CRST, Inc.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Herbert L. Miller was an over-the-road driver for CRST, Inc. from May 5, 2005 until he resigned February 24, 2008. He was a full-time employee. On or about January 9, 2008 Mr. Miller told his dispatcher, Kate Bangs, that he needed to take some time off because of chest pains. On or about January 22, 2008 Mr. Miller contacted Ms. Bangs to say that he was ready to return to service. She dispatched him to pick up a rental car and drive to Georgia to pick up a new tractor unit. Mr. Miller did not do so. On January 24, 2008 he left a message with the company saying that he resigned.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant left work with good cause attributable to the employer. It does not.

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.

The claimant has the burden of proof. See Iowa Code section 96.6-2. Under some circumstances, an individual may receive unemployment insurance benefits if the individual resigns because of a medical condition caused or aggravated by working conditions. See Suluki v. Employment Appeal Board, 503 N.W.2d 402 (Iowa 1993). Mr. Miller denied in his testimony that he resigned. The administrative law judge does not find that testimony to be credible. Mr. Miller did not provide any evidence that he had been advised to resign by his physician or that he had discussed a resignation because of a medical condition with his employer. One who resigns because of general dissatisfaction with a job does not leave work with good cause attributable to the employer. See 871 IAC 24.25 (21). Benefits are withheld.

DECISION:

The unemployment insurance decision dated February 18, 2008, reference 01, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

css/kjw