

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TONY SAUNDERS**  
Claimant

**APPEAL NO. 17A-UI-02317-TNT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DECKER TRUCK LINE INC**  
Employer

**OC: 09/18/16**  
**Claimant: Respondent (2)**

Iowa Code § 96.5(1)a - Voluntary Quit

**STATEMENT OF THE CASE:**

Decker Truck Line, Inc. filed a timely appeal from a representative's decision dated February 22, 2017, reference 04, which held the claimant eligible to receive unemployment insurance benefits, finding that the claimant was dismissed from work on February 1, 2017 for no disqualifying reason. After due notice was provided, a telephone hearing was held on March 23, 2017. Although duly notified, the claimant did not participate. The employer participated by Ms. Courtney Bachel, Director of Human Resources, and Ms. Jennifer Lawler, Director of Safety. Employer's Exhibits A and B were admitted into the hearing record.

**ISSUE:**

The issue is whether the claimant quit employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having considered all of the evidence in the record, the administrative law judge finds: Tony Saunders began employment with Decker Truck Line, Inc. on March 3, 2005. Mr. Saunders was employed as a full-time over-the-road tractor-trailer driver and was paid by the mile. The claimant's last day of work was October 7, 2015. Mr. Saunders had a work injury and filed a workman's compensation claim. After being off work for an extended period of time, a mediation conference was held on February 1, 2017. Mr. Saunders elected to quit his job in consideration of a \$100,000.00 settlement that was being offered. Mr. Saunders chose to accept the settlement and quit employment effective that day.

**REASONING AND CONCLUSIONS OF LAW:**

The evidence in this case establishes that the claimant was not discharged by the employer, but chose to voluntarily relinquish his position with the company in consideration for a \$100,000.00 settlement that was offered to the claimant to resolve the workman's compensation claim. Although Mr. Saunders had the option of continuing employment, he chose to quit and his quitting was not attributable to the employer, but because the claimant had chosen to leave employment in order to obtain a substantial settlement of a previous claim.

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.

Because the claimant's quitting was not attributable to the employer, but it was because he made a personal choice to do so in consideration for receiving a large settlement, the reason for the claimant's leaving was not attributable to the employer and thus disqualifying under the purposes of the Employment Security Act.

Because the claimant has been deemed ineligible for benefits, any benefits the claimant has received could constitute an overpayment. Administrative record reflects that the claimant has received no unemployment insurance benefits since leaving his employment with this company effective February 1, 2017. Claimant is disqualified for unemployment insurance benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount and is otherwise eligible.

**DECISION:**

The representative's decision dated February 22, 2017, reference 04, is reversed. Claimant quit employment without a good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount and is otherwise eligible.

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Terry Nice  
Administrative Law Judge

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Decision Dated and Mailed

scn/scn