

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JAMES M YOST**  
Claimant

**APPEAL NO. 10A-UI-05642-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CRST VAN EXPEDITED INC**  
Employer

**Original Claim: 03/14/10  
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated April 5, 2010, reference 01, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on May 27, 2010. The parties were properly notified about the hearing. The claimant participated in the hearing with a witness, Earl Fox. Sandy Matt participated in the hearing on behalf of the employer.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

The claimant worked full-time as truck driver from August 9, 2006, to March 13, 2010. A friend, Earl Fox, who had been driving for the employer for several years, encouraged the claimant to go to truck driving school so he could apply to become a team driver for the employer. When the claimant started working as a team driver with Fox, he understood that Fox had an agreement with the supervisor that Fox would be allowed to park his truck in the town where Fox lived, which is two miles from the claimant's residence. This was convenient for the claimant because he did not have a reliable vehicle to commute any long distance.

Around April 2009, the employer insisted that the truck be parked in Stockton, California, about 190 miles from the area where Fox and the claimant lived. Fox complained about this change, but the employer did not back down. Around July 2009, Fox proposed they park the truck in Sacramento, which was about 145 miles from their locality. The employer agreed.

Fox had a reliable vehicle that they used to commute to the place where the truck was parked. The claimant still had no reliable transportation for a long trip, so he rode with Fox. Fox retired from driving effective March 14, 2010. In early March, the claimant informed the dispatcher that he was done driving effective March 13, because he had no transportation to get to Sacramento.

**REASONING AND CONCLUSIONS OF LAW:**

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1.

The unemployment rules provide that a claimant who quits employment due to lack of transportation to the work site is be presumed to have quit without good cause unless the employer had agreed to furnish transportation. 871 IAC 24.25(1). The claimant in this case quit employment because he did not have reliable transportation to the work site. The employer had not agreed to furnish transportation. The real reason the claimant stopped working was because his team driver, who was giving him a ride to the jobsite, retired. Obviously, if the employer had not changed the policy about where the trucks could be parked, the claimant might have been to continue in employment, but that change occurred about a year before the claimant quit and he continued in the employment and accepted the change. No good cause to quit attributable to the employer has been shown.

**DECISION:**

The unemployment insurance decision dated April 5, 2010, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/kjw