

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROBERT TALAVERIA**  
Claimant

**APPEAL NO. 10A-UI-03518-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CRST VAN EXPEDITED INC**  
Employer

**Original Claim: 01/31/10  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant appealed a representative's February 24, 2010 decision (reference 01) that concluded he was not qualified to receive benefits and the employer's account was exempt from charge because the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. A telephone hearing was held on April 5, 2010. The claimant participated in the hearing. Sandy Matt appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits, or did the employer discharge him for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant started working for the employer on April 23, 2009. The claimant entered into an eight-month contract with the employer. The contract indicated the employer would pay for the claimant's training to work as an over-the-road driver if the claimant worked eight months for the employer.

When the claimant completed his eight months of driving, he understood the employer wanted him to continue working for the employer. On December 21, 2009, the claimant went home for home time. The claimant had asked his fleet dispatcher for a week off so he could make funeral arrangements for his mother.

When the claimant's home time was over, the fleet dispatcher called the claimant about coming back to work or loads he could pick up. The claimant did not answer the phone calls and did not timely respond to the employer's messages. It took the claimant more time than he had anticipated to take care of all the personal matters regarding his mother's death. The claimant did not contact his fleet manager to let the employer know he would be gone longer than a week. The claimant was unable to work for at least two weeks because he was taking care of personal issues.

If the claimant called the fleet manager when he was again available to work, the fleet manager did not return his call. By the time the claimant was available to work, the employer no longer considered him an employee and believed he had abandoned his employment. About this same time, the claimant decided he needed to stay closer to his home in California so he could be with his family.

#### **REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6-2.

The claimant presented conflicting testimony during the hearing. Initially, he testified that when his contract was over, he decided to quit driving the 48 states, because he wanted to be in California with his family. The claimant also testified he planned to return to work after he took time off to take care of matters relating to his mother's death. Although the claimant took off longer than he initially planned, he admitted he did not contact the employer to ask for more time off. If the claimant contacted his fleet manager after he had resolved his personal issues, the employer already considered him to have abandoned his employment.

Under either scenario, the claimant voluntarily quit his employment. He abandoned his employment for compelling personal reasons, but he did not establish that he quit for reasons that qualify him to receive benefits. As of January 31, 2010, the claimant is not qualified to receive benefits.

#### **DECISION:**

The representative's February 24, 2010 decision (reference 01) is affirmed. The claimant voluntarily quit his employment by abandoning it. He quit for personal reasons that do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of January 31, 2010. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw