

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CANDICE J POOLE

Claimant

APPEAL NO: 11A-UI-15126-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CRST INTERNATIONAL INC

Employer

OC: 10/23/11

Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit
871 IAC 26.14(7)(b), (c) – Request to Reopen

STATEMENT OF THE CASE:

The claimant appealed a representative's November 18, 2011 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant did not respond to the hearing notice or participate in the hearing. Sandy Matt, a human resource specialist, appeared on the employer's behalf.

The determination for reference 01 is identical to the determination for reference 02 with the following exceptions: reference 01 identified the employer as the parent corporation, but the parent did not pay the claimant wages: CRST Van Expedited paid her wages, and the employer account number is different. Since the employer is the parent corporation and the determinations relate to the same employment separation the decision for CRST Van Expedited, Inc. on appeal 11A-UI-15127-DWT is set forth for this appeal also.

The claimant called the Appeals Section 90 minutes late. She requested that the hearing be reopened. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant did not establish good cause to reopen the hearing and is not qualified to receive benefits.

ISSUES:

Did the claimant establish good cause to reopen the hearing?

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

FINDINGS OF FACT:

The claimant started working for the employer in October 2010. She worked as an over-the-road driver. The claimant gave her fleet manager a two-week notice that August 1, 2011, would be her last day of work because she was going to pursue a non-driving career. The claimant's last day of work was August 1, 2011.

Hearing notices were mailed to the parties on November 30, 2011 to inform them that a telephone hearing was scheduled on December 16 at 10:00 a.m. The claimant received the hearing notice before the scheduled hearing, but she did not call the number listed on the hearing notice to provide the phone number she could be contacted at for the hearing. The claimant did not call the Appeals Section until 11:30 a.m. on December 16 to participate in a 10:00 a.m. scheduled hearing. When the claimant called the Appeals Section, the hearing had been closed and the employer's witness had been excused. The claimant requested that the hearing be reopened. Instead of following the directions on the hearing notice, the claimant called a phone number she had for the Clinton Workforce office.

REASONING AND CONCLUSIONS OF LAW:

If a party responds to a hearing notice after the record has been closed and the party who participated at the hearing is no longer on the line, the administrative law judge can only ask why the party responded late to the hearing notice. If the party establishes good cause for responding late, the hearing shall be reopened. The rule specifically states that failure to read or follow the instructions on the hearing notice does not constitute good cause to reopen the hearing. 87 IAC 26.14(7)(b), (c).

The claimant asserted she called the Clinton Workforce office after she received the hearing notice because she was confused. The claimant may have called the phone number for the Clinton Workforce office, but the Clinton Workforce office was closed on October 31, 2011. Even if she was confused, the hearing notice clearly states that if she did not call one of the phone numbers listed on the hearing notice, she would not be called for the hearing. The claimant admits she did not call the numbers listed on the hearing notice before December 16. The claimant's failure to contact the Appeals Section until 90 minutes after the scheduled hearing indicates she forgot about the hearing. Given that she did not read or follow the hearing instructions and did not call the Appeals Section until 90 minutes after the hearing had been scheduled, the claimant did not establish good cause to reopen the hearing. The claimant's request to reopen the hearing is denied.

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer, or an employer discharges the claimant for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. The facts do not establish that the employer discharged the claimant. Instead, the claimant voluntarily quit her employment when she gave her fleet manager a two-week notice.

The claimant had personal reasons for quitting. The evidence does not establish that she quit for reasons that qualify her to receive benefits. As of October 23, 2011, the claimant is not qualified to receive benefits.

DECISION:

The claimant's request to reopen the hearing is denied. The representative's November 18, 2011 determination (reference 01) is affirmed. The claimant voluntarily quit her employment for personal reasons, but the evidence does not establish she quit for reasons that qualify her to receive benefits. As of October 23, 2011, the claimant is not qualified to receive unemployment

insurance benefits. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css