

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

CLIFFORD A MUSGRAVES
PO BOX 61
FORSYTH IL 62535-0061

HEARTLAND EXPRESS INC OF IOWA
2777 HEARTLAND DR
CORALVILLE IA 52241

Appeal Number: 04A-UI-10507-DWT
OC: 08/22/04 R: 12
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal are based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Clifford A. Musgraves (claimant) appealed a representative's September 16, 2004 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Heartland Express Inc., of Iowa (employer) would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on October 19, 2004. The claimant participated in the hearing. Lea Kahrs, the human resource generalist, 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 unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer in February 2001. The claimant requested and was granted a medical leave of absence under the Family Medical Leave Act. The claimant's medical leave started on May 28, 2004. The medical leave was scheduled to end on August 20, 2004.

During his medical leave, the claimant kept in contact with Kahrs. On July 20, the employer received a medical statement that the claimant was not yet able to return to work, but there was a possibility he could return on August 9. On August 1, 2004, the claimant's doctor released him to return to work eight hours a day. After the claimant received this release, he contacted the employer's dispatcher, but not the human resource department. The dispatcher indicated the employer did not have any work for him if the claimant could only work eight hours a day.

On August 10, 2004, the employer received the claimant's resignation letter. The claimant resigned in part because of personal family issues and because he needed to use the money in his 401K plan he had with the employer. The claimant was able to return to work without any restrictions as of October 3, 2004.

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 with good cause attributable to the employer. Iowa Code §96.6-2.

The claimant left his employment for compelling personal reasons. The claimant's reasons do not, however, qualify him to receive unemployment insurance benefits. 871 IAC 24.25(20). Therefore, as of August 22, 2004, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's September 16, 2004 decision (reference 01) is affirmed. The claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of August 22, 2004. 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.

dlw/kjf