

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROOSEVELT OVERTON
Claimant

APPEAL NO. 10A-UI-06269-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HEARTLAND EXPRESS INC OF IOWA
Employer

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

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Roosevelt Overton filed a timely appeal from an unemployment insurance decision dated April 12, 2010, reference 01, that disqualified him for benefits. After due notice was issued, a telephone hearing was held June 29, 2010, with Mr. Overton participating. Human Resources Generalist Lea Peters participated for the employer, Heartland Express, Inc. of Iowa. Employer Exhibit One was admitted into evidence.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Roosevelt Overton was employed as an over-the-road truck driver by Heartland Express, Inc. of Iowa from December 15, 1999, until he resigned September 4, 2009. Mr. Overton was paid by the mile. When he turned in his equipment at the company's terminal in Jacksonville, Florida, he expressed displeasure at being on the road over weekends and holidays.

Mr. Overton noted that some salaried drivers received loads quicker than he did on occasion. He had not attempted to become a salaried driver, because, in good times, he could make more money being paid by the mile. In 2009, he had, on occasion, been required to wait a day or more for a new load. These increased his travel expenses. This was not a new situation, but it was hurting him financially.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant left work with good cause attributable to the employer. It does not.

Iowa Code section 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.

The evidence establishes that the claimant left work because of dissatisfaction with his work schedule and with his earnings. He testified, however, that he had not attempted to become a salaried driver because he could make more money in good economic times being paid by the mile. He knew that he was not guaranteed a chance to be home every weekend, and he knew that from time to time it was necessary to wait a day or more for a new load. The administrative law judge concludes that the employer did not change the claimant's conditions of employment and that he resigned because of dissatisfaction with the work environment. Benefits must be withheld. See 871 IAC 24.25(21).

DECISION:

The unemployment insurance decision dated April 12, 2010, reference 01, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw