

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**GINGER D PUCKETT**  
Claimant

**HEARTLAND EXPRESS INC OF IOWA**  
Employer

**APPEAL NO. 21A-UI-05188-B2-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 11/01/20  
Claimant: Appellant (1)**

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Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated February 3, 2021, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on April 20, 2021. Claimant participated. Employer participated by Rebeckah Ackerman.

**ISSUES:**

Whether claimant quit for good cause attributable to employer?

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on October 6, 2020. Claimant voluntarily quit on October 7, 2020 when asked to run a route different than her regular route in the same geographic area she normally drive. Claimant stated she was asked to drive this different route on the morning she was to drive her ordinary route. As claimant was to be home the next afternoon to care for her father, she was upset with this request. Claimant cleared out the truck of all of her belongings.

Claimant came back to work the next Monday, October 12. At that time she was marked as having quit and her job was not available to her.

Employer stated that claimant had a history of complaining about runs and loads. Employer further stated that claimant had not registered for any time off according to company procedures as employer showed no documentation of claimant requesting time off.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

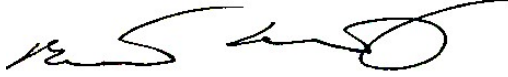
It is the duty of the administrative law judge as the trier of fact in this case, to determine the credibility of witnesses, weigh the evidence and decide the facts in issue. *Arndt v. City of LeClaire*, 728 N.W.2d 389, 394-395 (Iowa 2007). The administrative law judge may believe all, part or none of any witness's testimony. *State v. Holtz*, 548 N.W.2d 162, 163 (Iowa Ct. App. 1996). In assessing the credibility of witnesses, the administrative law judge should consider the evidence using his or her own observations, common sense and experience. *State v. Holtz*, Id. In determining the facts, and deciding what testimony to believe, the fact finder may consider the following factors: whether the testimony is reasonable and consistent with other believable evidence; whether a witness has made inconsistent statements; the witness's appearance, conduct, age, intelligence, memory and knowledge of the facts; and the witness's interest in the trial, their motive, candor, bias and prejudice. *State v. Holtz*, Id. Here, claimant omitted the fact that she had cleared out her truck when she was upset about the route she was asked to drive. This certainly takes away from her credibility and adds to employer's belief that claimant quit. Additionally, both parties struggled with accurately telling the change that would occur to the time claimant arrived home if she travelled the different route.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she was asked to drive a route different than her normal route but within the same area. Claimant thought this would take time away from her caring for her parent.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.* Here, claimant cleaned out her rig rather than speaking with management about the proposed route change. Claimant did not explain why she did not seek approval from upper management to avoid the alternate route and to take time off. As claimant did not adequately explain her lack of actions to cover time off and she did clean out her truck, claimant is seen to have quit her employment. This quit is not shown to have been for good cause attributable to employer as claimant did not seek approval before walking off.

**DECISION:**

The decision of the representative dated February 3, 2021, reference 02, is approved. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.



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Blair A. Bennett  
Administrative Law Judge

April 23, 2021  
Decision Dated and Mailed

bab/kmj