

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RONALD PAYNE**  
Claimant

**APPEAL NO: 14A-UI-02476-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CRST VAN EXPEDITED INC**  
Employer

**OC: 02/02/14**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the February 24, 2014, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on March 26, 2014. The claimant participated in the hearing. Sandy Matt, Human Resources Specialist, participated in the hearing on behalf of the employer. Claimant's Exhibits A and B were admitted into evidence.

**ISSUE:**

The issue is whether the claimant voluntarily left his employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time over-the-road truck driver for CRST Van Expedited from October 15, 2010 to February 5, 2014. He left his job after his home was flooded and he needed to remain at his residence during the repair period.

The claimant returned from a 30-day run December 28, 2013, and was due six days at home. When he arrived at his residence he discovered a water pipe had burst and water was dripping from his ceiling, in addition to his house being flooded and damaged. Under the law the insurance company is entitled to 40 days to fix the damage. The claimant did not have any vacation because he took it in pay rather than time off. He is still unable to work at this time because the repairs to his home are not completed.

On February 5, 2014, Fleet Manager Scott Nelson spoke to the claimant by phone and asked if he could provide a return to work date and the claimant stated he could not do so at that time. Consequently, Mr. Nelson told the claimant he would have to take him out of the system but instructed him that he could be rehired after his house was fixed.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment without good cause attributable to the employer.

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.

In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

The claimant did not want to quit his job but could not leave his home while it was under repair and as an over-the-road trucker his position required that he be away from home for up to 30 days at a time. The employer held his job for just over one month but then had to replace the claimant and told him he could be rehired after his house was fixed. While the claimant had good personal reasons for needing to stay at home, those reasons are not attributable to the employer as required by Iowa law in order for an employee who is deemed to have quit his job must prove. (Emphasis added). Consequently, the administrative law judge must conclude the claimant left his employment without good cause attributable to the employer. Benefits are denied.

**DECISION:**

The February 24, 2014, reference 01, decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

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