

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RONALD BOONE
Claimant

APPEAL NO: 13A-UI-02482-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

DON HUMMER TRUCKING CORP
Employer

**OC: 01/20/13
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the February 22, 2013, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on March 28, 2013. The claimant participated in the hearing with his son/former co-driver of the claimant for the employer. Dena Boelter, Director of Human Resources and Kirk Cleppe, Director of Operations, participated in the hearing on behalf of the employer.

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 Don Hummer Trucking from September 1, 2010 to January 21, 2013. The claimant offered his resignation to Director of Operations Kirk Cleppe Monday, January 21, 2013, citing problems with the shop over the weekend. He was upset because he thought it took too long for the shop to get him in to give his truck an oil change. Mr. Cleppe accepted the claimant's resignation and handed him a form to fill out to return his fuel card and keys. The claimant returned those items and signed the form.

The weekend dispatcher told Mr. Cleppe before he met with the claimant that the claimant was upset with the shop and had called demanding to speak to the vice-president. The dispatcher explained the vice-president would not be available until Monday and the claimant said he quit and wanted a load home.

The employer received a complaint about the claimant threatening another driver at a truck stop with a tire thumper November 29, 2012, and had placed the claimant on a six-month probation as a result. The employer also received a complaint about the claimant from a DOT officer that the claimant was very disrespectful when stopped.

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.

While the claimant maintains his employment was terminated, Mr. Cleppe credibly testified the claimant told the weekend dispatcher he was quitting over a spat with the mechanic and reiterated his intention to quit when he spoke to Mr. Cleppe January 13, 2013. The claimant spoke in detail about his conflict with the mechanic and it was evident he was upset and feuding with the dispatcher. He was angry January 11, 2013, because the mechanic did not change the oil in the claimant's truck when the claimant wanted him to do so and the claimant became more upset as the event unfolded. Although the employer tolerated the claimant's attitude and had issued him warnings about his inappropriate attitude and behavior when threatening another driver with a tire thumper November 29, 2012, and treating a DOT officer disrespectfully January 11, 2013, the employer had no intention of terminating the claimant's employment January 13, 2013. The evidence establishes the claimant voluntarily quit his job.

The remaining issue is whether the claimant voluntarily left his job for good cause attributable to the employer.

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 was upset about having to wait in the shop to have his oil changed over the weekend and consequently submitted his resignation January 21, 2013, effective immediately, and the employer accepted his resignation. While the claimant made several complaints about the employer and does not accept any responsibility for his actions, he has not demonstrated that his leaving was for good cause attributable to the employer as that term is defined by Iowa law. Therefore, benefits are denied.

DECISION:

The February 22, 2013, 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/css