

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CORINA SHIPP
Claimant

**GRE HOTEL MANAGEMENT COMPANY
LLC**
Employer

APPEAL 20A-UI-13286-SN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/28/20
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On October 26, 2020, claimant/appellant filed an appeal from the October 12, 2020 (reference 01) unemployment insurance decision that denied benefits based upon claimant voluntarily quitting work without good cause attributable to the employer. The parties were properly notified of the hearing. A telephone hearing was held on December 17, 2020 at 1:00 p.m. The claimant, Corina Shipp, participated personally. The employer, GRE Hotel Management Company, LLC, participated through General Manager Marlena Switzer and Director of Human Resources Steven Morely. The administrative law judge took official notice of the claimant's administrative records. Exhibits one and two were admitted into the record.

ISSUES:

Did the claimant voluntarily quit with good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a front desk clerk from February 24, 2020 to June 4, 2020. Her work scheduled varied. Her immediate supervisor was General Manager Marlena Switzer.

On June 4, 2020, the claimant tendered her resignation to Ms. Switzer. Claimant had her child with her at work. Childcare had been an issue with her since the schools closed due to the Covid19 pandemic. Ms. Switzer had previously informed claimant that she could not have her child at work with her on several occasions. Ms. Switzer offered to get coverage for claimant on June 4, 2020, but claimant felt like the issue would continue in the future.

On June 9, 2020, claimant sent an email to Ms. Switzer, which reads, "I would like to officially let you know I am quitting my employment with you at the Holiday Inn Express due to personal reasons. Please keep me in mind for future employment." (Exhibit 2)

Claimant alleges a previous front desk clerk, Brittany (last name unknown), had been allowed to bring her child to work with her. Claimant believes a previous general manager, Allison (last

name unknown), permitted the presence of Brittany's child at work. Switzer denied any previous employees had been allowed to bring their children to work with them.

Employer provided a narrative written by Mr. Morley. (Exhibit 1)

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant voluntary quit 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.

Iowa Admin. Code r. 871-24.25(20) provides:

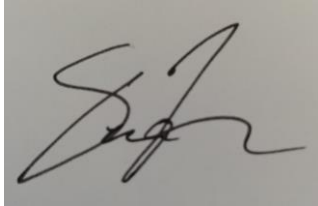
Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(17) The claimant left because of lack of childcare.

Claimant resigned because she lacked adequate childcare during her shifts with the employer. This reason is presumed to be a voluntary quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The October 12, 2020 (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily quit without good cause attributable to the employer on June 4, 2020. Unemployment insurance benefits are denied until claimant has worked in and earned wages for insured work equal to ten times her weekly benefit amount after her separation date, and provided she is otherwise eligible.



Sean M. Nelson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 725-9067

January 4, 2021
Decision Dated and Mailed

smn/mh

This decision denies unemployment insurance benefits funded by the State of Iowa. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits. See Note to Claimant below.

Note to Claimant

- This decision determines you are not eligible for regular unemployment insurance benefits funded by the State of Iowa under state law. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.
- If you do not qualify for regular unemployment insurance benefits funded by the State of Iowa under state law, you may qualify for benefits under the Federal Pandemic Unemployment Assistance ("PUA") section of the Coronavirus Aid, Relief, and Economic Security Act ("Cares Act") that discusses eligibility for claimants who are unemployed due to the Coronavirus.
- **You will need to apply for PUA to determine your eligibility under the program.**
For additional information on how to apply for PUA go to:
<https://www.iowaworkforcedevelopment.gov/pua-information>.
- If you are denied regular unemployment insurance benefits funded by the State of Iowa and wish to apply for PUA, please visit:
<https://www.iowaworkforcedevelopment.gov/pua-information> and scroll down to "Submit Proof Here." You will fill out the questionnaire regarding the reason you are not working and upload a picture or copy of your fact-finding decision. Your claim will be reviewed for PUA eligibility. If you are eligible for PUA, you will also be eligible for Federal Pandemic Unemployment Compensation (FPUC) until the program expires. Back payments PUA benefits may automatically be used to repay any overpayment of state benefits. If this does not occur on your claim, you may repay any overpayment by visiting:
<https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>.