

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DONNA STEVENS

Claimant

BURLINGTON CARE CENTER INC

Employer

APPEAL 20A-UI-06683-J1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/15/20

Claimant: APPELLANT (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On June 22, 2020, the claimant filed an appeal from the June 18, 2020, (reference 01) unemployment insurance decision that denied benefits based on voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on July 27, 2020. Claimant participated. Employer participated through Vicki Irvin, Chief Operating Officer and Mirian Johnson, Administrator. Exhibit A was admitted into the record.

ISSUES:

Did claimant have good cause attributable to the employer for quitting employment?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on April 19, 1987. Claimant last worked as a full-time Activities Director. Claimant was separated from employment on March 18, 2020, when claimant did not believe she had continuing job at the Burlington Care Center (BCC).

The BCC is a nursing home. The BCC had structural problems with the facility it operated in Burlington Iowa. The BCC had to move all the residents to another nursing home it operated in Mt Pleasant Iowa. The BCC was given seven days to move residents by the Iowa Department of Inspections and Appeals. On March 10, 2020, Ms. Irvin called for a joint meeting of the leadership team to meet at the Mount Pleasant facility. The claimant attended this meeting. Ms. Irvin informed all of the leadership staff that they would continue to be employed with the same number of hours and pay. Claimant was a member of the leadership team and attended. Ms. Johnson was also in attendance and confirmed that the leadership team was offered continued work at the same pay and hours. Ms. Irvin informed the staff that it could take four to six months to complete any repairs at the Burlington facility.

The claimant worked for the BCC for 33-years. Claimant lived about a minute away from the BCC location in Burlington. The facility operated in Mount Pleasant Iowa was about 30 miles further. Claimant testified that the BCC center was under financial distress at the time it had to close for

repairs. Claimant did not believe that she would be able to continue working as there already was an Activities Director at the Mount Pleasant facility. Claimant was told that she could be a Co-Activities Director with the Activities Director in the Mount Pleasant facility. Claimant did not feel she had a job offer at that time. I find claimant was offered work that was substantially similar to her position at the BCC at the March 10, 2020 meeting.

Claimant assisted the residents in the move to Mount Pleasant. March 17, 2020 was claimant's last day of work for BCC. Claimant had a discussion with Ms. Irvin on March 17, 2020. Ms. Irvin asked claimant if she was interested in using a shuttle to attend work in Mount Pleasant. Claimant at that time did not believe that she would have a job at BCC and stopped coming to work. Claimant did not notify anyone at work that she quit.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below I find that claimant quit her employment without good cause attributable to her employer.

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.

Iowa Admin. Code r. 871-24.25(21) 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:

- (21) The claimant left because of dissatisfaction with the work environment.

Claimant believed that her employment at BCC would not continue. At the time the claimant stopped coming into work claimant was offered the same hours and pay for her work. The only change was the distance claimant would have to commute and she would be a co-activities director. The extra 30 miles each way was not a substantial change in her contract of hire, especially when the BCC was still determining if it could reopen the Burlington facility. Nor was the change in her job title a substantial change in her contract of hire. I find claimant voluntarily quit her job do to dissatisfaction with the work environment.

DECISION:

Regular Unemployment Insurance Benefits Under State Law

The June 18, 2020, (reference 01) unemployment insurance decision is affirmed. Benefits are withheld until such time as claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided she is otherwise eligible.

Pandemic Unemployment Assistance (PUA) Under the Federal CARES Act

Even though claimant is not eligible for regular unemployment insurance benefits under state law, he may be eligible for federally funded unemployment insurance benefits under the CARES Act. Section 2102 of the CARES Act creates a new temporary federal program called Pandemic Unemployment Assistance (PUA) that in general provides up to 39 weeks of unemployment benefits. An individual receiving PUA benefits may also receive the \$600 weekly benefit amount (WBA) under the Federal Pandemic Unemployment Compensation (FPUC) program if he or she is eligible for such compensation for the week claimed. This decision does not address when claimant is eligible for PUA. For a decision on such eligibility, claimant must apply for PUA, as noted in the instructions provided in the "Note to Claimant" below.

NOTE TO CLAIMANT:

- This decision determines you are not eligible for regular unemployment insurance benefits 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 under state law and are currently unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** For more information about how to apply for PUA, go to:

<https://www.iowaworkforcedevelopment.gov/pua-informatio>



James F. Elliott
Administrative Law Judge

August 3, 2020
Decision Dated and Mailed

je/scn