

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MEGAN M PAYNE
Claimant

GENESIS HEALTH SYSTEM
Employer

APPEAL 21A-UI-16800-AR-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/18/21
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant, Megan M. Payne, filed an appeal from the July 22, 2021, (reference 01) unemployment insurance decision that denied benefits based upon the determination that claimant voluntarily quit employment with the employer, Genesis Health Systems, for personal reasons. The parties were properly notified of the hearing. A telephone hearing was held on September 23, 2021. The claimant participated personally. The employer participated through testifying witness, Nicole Lear, with Patricia Chapman, who did not testify. Employer's Exhibits 1 and 2 were admitted.

ISSUE:

Did the claimant voluntarily quit employment without 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 unit secretary from July 14, 2014, until this employment ended on April 17, 2021, when she resigned.

Claimant is the sole caregiver for her mother. She had been seeking other jobs within the employer that might offer more flexibility regarding hours to accommodate her mother's care needs. In April 2021, claimant's mother contracted COVID-19, resulting in additional caregiving demands on claimant. Claimant notified her manager, Krystal Jorgenson, that she would be resigning. She told Jorgenson that she was resigning because of family care obligations and the potential that the family might move out of state. The move never occurred. However, shortly after submitted her resignation notice, claimant also contracted COVID-19. She could not complete the notice period, and separated from employment four or five days earlier than planned.

The employer notes that claimant was an exceptional employee whose reapplication it would welcome.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

Iowa Code § 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(23) 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:

...

(23) The claimant left voluntarily due to family responsibilities or serious family needs.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

Claimant had compelling personal reasons for leaving employment, which included her own and her mother's health care concerns, as well as ongoing caregiving responsibilities for claimant's mother. She did not take an extended leave because she did not think that her mother's health status was compatible with continued work in a healthcare environment, at least during the COVID-19 pandemic. The administrative law judge is sympathetic to claimant's reasons for leaving employment, but they are not good-cause reasons attributable to the employer under Iowa law. Benefits are denied.

DECISION:

The July 22, 2021, (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.



Alexis D. Rowe
Administrative Law Judge

September 27, 2021
Decision Dated and Mailed

ar/ol

NOTE TO CLAIMANT: This decision determines you are not eligible for regular unemployment insurance benefits. 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. Individuals who do not qualify for regular unemployment insurance benefits, but who are unemployed or continue to be unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.

ATTENTION: On May 11, 2021, Governor Reynolds announced that Iowa will end its participation in federal pandemic-related unemployment benefit programs effective June 12, 2021. The last payable week for PUA in Iowa will be the week ending June 12, 2021. Additional information can be found in the press release at <https://www.iowaworkforcedevelopment.gov/iowa-end-participation-federal-unemployment-benefit-programs-citing-strong-labor-market-and>.