

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**CHERIE L. VULYSTEKE**  
Claimant

**APPEAL 20A-UI-06820-BH-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**COTTAGE GROVE PLACE**  
Employer

**OC: 03/29/20**  
**Claimant: Appellant (1)**

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Iowa Code section 96.5(1) – Voluntary Quit

Iowa Administrative Code rule 871-24.25 – Voluntary Quit Without Good Cause Attributable to the Employer

Iowa Administrative Code rule 871-24.26 – Voluntary Quit With Good Cause Attributable to the Employer

**STATEMENT OF THE CASE:**

The claimant, Cherie L. Vulysteke, appealed the June 19, 2020 (reference 01) unemployment insurance decision that denied benefits based upon a finding Vulysteke voluntary quit her job with Cottage Grove Place without good cause attributable to the employer. The agency properly notified the parties of the appeal and hearing.

The undersigned presided over a telephone hearing on July 30, 2020. Vulysteke participated personally and testified. Cottage Grove Place participated through Samantha Barnes, who testified.

**ISSUES:**

Was Vulysteke's separation from employment with Cottage Grove Place a layoff, discharge for misconduct, or voluntary quit without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the undersigned finds the following facts. Cottage Grove Place hired Vulysteke on December 4, 2018. She worked full time as a cook. Vulysteke's father suffered a stroke. On March 14, 2019, Vulysteke voluntarily quit her job with Cottage Grove Place to provide care for her father.

Vulysteke also had her own business. After providing care for her father following his stroke, she was self-employed. The COVID-19 pandemic hurt her business, so she filed for benefits with Iowa Workforce Development. Vulysteke intended to file for federal Pandemic Unemployment Assistance under the CARES Act because she believes she might be eligible for such benefits as someone who is self-employed.

## **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the undersigned concludes Vulysteke left employment with Cottage Grove Place without good cause attributable to the employer.

Iowa Code section 96.5(1) disqualifies a claimant from benefits if the claimant quit she job without good cause attributable to the employer. The Iowa Supreme Court has held that good cause requires “real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the element of good faith.” *Wiese v. Iowa Dep't of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). Moreover, the court has advised that “common sense and prudence must be exercised in evaluating all of the circumstances that lead to an employee's quit in order to attribute the cause for the termination.” *Wiese v. Iowa Dep't of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986).

According to the Iowa Supreme Court, good cause attributable to the employer does not require fault, negligence, wrongdoing or bad faith by the employer. *Dehmel v. Employment Appeal Bd.*, 433 N.W.2d 700, 702 (Iowa 1988). Good cause may be attributable to “the employment itself” rather than the employer personally and still satisfy the requirements of the Act. *E.g. Raffety v. Iowa Employment Security Commission*, 76 N.W.2d 787, 788 (Iowa 1956). The test is an objective one:

A burden-shifting framework is used to evaluate quit cases. Because an employer may not know why a claimant quit, the claimant has the initial burden to produce evidence suggesting the claimant is not disqualified from benefits under Iowa Code section 96.5(1) a through j and section 96.10. If the claimant produces such evidence, the employer has the burden to prove the claimant is disqualified from benefits under section 96.5(1).

Iowa Administrative Code rule 871-24.25 creates a presumption a claimant quit without good cause attributable to the employer in certain circumstances. Iowa Administrative Code rule 871-24.26 identifies reasons for quitting that are considered for good cause attributable to the employer. Under rule 871-24.25(23), a claimant is deemed to have voluntarily left employment without good cause attributable to the employer if the claimant left voluntarily due to family responsibilities or serious family needs.

Here, the evidence establishes Vulysteke voluntarily left employment with Cottage Grove Place to provide care for her father, who had sustained a stroke. This constitutes voluntarily leaving employment due to family responsibilities or serious family needs. Vulysteke therefore voluntarily left employment with Cottage Grove Place without good cause attributable to the employer. She is not eligible for regular unemployment insurance benefits under state law.

This decision does not address whether Vulysteke might be eligible for Pandemic Unemployment Assistance under the federal CARES Act.

## **DECISION:**

### **Regular Unemployment Insurance Benefits Under State Law**

The June 19, 2020 (reference 01) unemployment insurance decision is affirmed. Vulysteke voluntarily left employment without good cause attributable to Cottage Grove Place. Benefits are withheld until such time as Vulysteke has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

### **Pandemic Unemployment Assistance (PUA) Under the Federal CARES Act**

Even though Vulysteke is not eligible for regular unemployment insurance benefits under state law, she 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 she is eligible for such compensation for the week claimed.

This decision does not address whether Vulysteke is eligible for PUA. For a decision on such eligibility, Vulysteke must apply for PUA, as noted in the instructions provided in the "Note to Claimant" below.



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Ben Humphrey  
Administrative Law Judge

August 4, 2020  
Decision Dated and Mailed

bh/scn

#### **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-information>