

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

David C. Puckett
Claimant

QPS Employment Group, Inc.
Employer

APPEAL 20A-UI-08352-BH-T
ADMINISTRATIVE LAW JUDGE
DECISION

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

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, David C. Puckett, appealed the July 1, 2020 (reference 01) unemployment insurance decision that denied benefits based upon a finding Puckett voluntary quit his job with QPS Employment Group, Inc. (QPS) 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 August 27, 2020. Puckett participated personally and testified. QPS participated through employer representative Mai Lor and Stefanee Heater, a branch manager who testified.

ISSUES:

Was Puckett's separation from employment with QPS 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.

QPS is a temporary staffing agency. QPS hired Puckett on October 8, 2018, as a temporary employee. Puckett worked full time in production when he was on an assignment. Puckett voluntarily resigned from QPS effective January 6, 2019.

QPS assigned Puckett to work as a temporary employee at MPC Enterprises (MPC) in October of 2019. Puckett worked MPC as a temporary employee of QPS until January 5, 2020. MPC offered Puckett a full-time job as one of its employees. Puckett accepted the job offer.

Puckett completed a QPS form to submit his resignation and gave it to MPC personnel. MPC sent it to Heater at QPS. Puckett's resignation took effect on January 6, 2020, his first day as a full-time employee of QPS.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the undersigned concludes Puckett voluntarily left employment with QPS without good cause attributable to the employer under the Iowa Employment Security Law, Iowa Code chapter 96.

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." *Id.*

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. Emp't 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 Emp't Sec. Comm'n*, 76 N.W.2d 787, 788 (Iowa 1956).

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. The agency does not have a rule that addresses when a claimant resigns to accept another job – likely because resigning to accept another job does not often result in a sequence of events that leads to one claimant unemployment benefits. Consequently, the text of section 96.5(1) controls.

Here, the evidence shows that Puckett did not quit for any cause attributable to QPS. Rather, Puckett quit because MPC offered him a job and he accepted the offer. Resigning to accept a job offer to work at another employer does not constitute "good cause attributable to the individual's employer" under section 96.5(1). Benefits are denied.

DECISION:

Regular Unemployment Insurance Benefits Under State Law

The July 1, 2020 (reference 01) unemployment insurance decision is affirmed. Puckett voluntarily left employment without good cause attributable to QPS. Benefits are withheld until such time as Puckett has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Pandemic Unemployment Assistance (PUA) Under the Federal CARES Act

Even though Puckett 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 Puckett is eligible for such compensation for the week claimed.

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



Ben Humphrey
Administrative Law Judge

August 31, 2020
Decision Dated and Mailed

bh/mh

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 PUA, go to:

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

- To apply for PUA, go to:

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