

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**SHERRY M VANBLARICOM
4129 48TH AVE
ELDON, IA 52554-8127**

**CARDINAL COMMUNITY SCHOOL
DISTRICT
ROBIN LEONARD
4045 ASHLAND RD
ELDON, IA 52554**

**DIA APPEAL NO. 20IWDUI0079
IWD APPEAL NO. 20A-UI-02845**

**ADMINISTRATIVE LAW JUDGE
DECISION**

APPEAL RIGHTS:

This Decision Shall Become Final, unless within fifteen (15) days from the mailing date below the administrative law judge's signature on the last page of the decision, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to:

*Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
or
Fax (515) 281-7191*

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

The name, address and social security number of the claimant.

A reference to the decision from which the appeal is taken.

That an appeal from such decision is being made and such appeal is signed.

The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

ONLINE RESOURCES:

UI Appeals: <http://www.iowaworkforce.org/ui/appeals/index.html>

Claimant Handbook: <http://www.iowaworkforce.org/ui/handbook.htm>

Handbook for Employers: <http://www.iowaworkforce.org/ui/uiemployers.htm>

Employer account access and information: <https://www.myiowaui.org/UITIPTaxWeb/>

National Career Readiness Certificate through the Skilled Iowa Initiative: <http://skillediowa.org/>

Becoming a member employer through Skilled Iowa and utilizing internships: <http://skillediowa.org/>

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHERRY M VANBLARICOM

Claimant

**DIA APPEAL NO. 20IWDUI0079
IWD APPEAL NO. 20A-UI-02845**

**CARDINAL COMMUNITY SCHOOL
DISTRICT**

Employer

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC:3/15/20
Claimant: Appellant (1R)**

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 96.5(1) – Voluntary Quit
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

Sherry M Vanblaricom, claimant, filed a timely appeal from an April 1, 2020, (reference 01) unemployment insurance decision that denied unemployment benefits because the claimant voluntarily quit for personal reasons not caused by the employer.

A telephone hearing was held on April 29, 2020. The parties were properly notified of the hearing. The claimant participated personally and was self-represented. Cardinal Community School District did not personally participate. Neither party submitted exhibits.

ISSUES:

Was the separation a layoff, discharge for misconduct, or voluntary quit without good cause? Was the claimant overpaid benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant was a full-time employee at Cardinal Community School District for 15 years. She was the business secretary, athletic secretary, and board secretary. On the second Monday in May 2019, Claimant submitted a written resignation via email to the school board, the superintendent, and the business manager. Her written resignation specified she was no longer happy in her current position and was leaving for self-employment. After terminating her employment at Cardinal Community School District, she became self-employed at Ace Graphics and Screen Printing Company. She has lost over \$45,000 in inventory because of the COVID-19 pandemic.

Claimant acknowledged her resignation with Cardinal Community School District was not conditional. Claimant experienced increasing stress and anxiety while employed at the school

district. She discussed her anxiety and other stress-related health issues with a couple school board members after submitting her resignation.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the April 1, 2020, (reference 01) unemployment insurance decision that found Claimant ineligible for benefits is affirmed.

Iowa Code section 96.5 specifies:

“An individual shall be disqualified for benefits . . . if the individual has left work voluntarily without good cause attributable to the individual’s employer” 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.” Iowa Admin. Code r. 871.24.45. Certain reasons for a voluntary quit are presumed to be without good cause attributable to the employer. One of the specified reasons presumed to be without good cause is “[t]he claimant left to enter self-employment.” 871-24.25(19).

Vanblaricom left her employment with Cardinal Community School District to pursue self-employment, and she started her own business. Although Vanblaricom experienced anxiety and stress as a result of her work environment, she specified she resigned to pursue self-employment. Because Vanblaricom’s voluntary quit was not attributable to her employer, she is not eligible for unemployment benefits. Vanblaricom should note the information about Pandemic Unemployment Assistance (PUA) at the bottom of this decision.

DECISION:

The April 1, 2020, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily quit without good cause attributable to the employer. Benefits are not allowed.

REMAND:

The issue of whether the claimant has been overpaid benefits is remanded to the Benefits Bureau of Iowa Workforce Develop for an initial investigation and determination consistent with this decision.



Laura Jontz
Administrative Law Judge
Department of Inspections and Appeals
Administrative Hearings Division
515-281-7148

April 30, 2020

Decision Dated and Mailed

LRJ:lb

CC: Sherry M Vanblaricom (by first class mail)
Cardinal Community School District (by first class mail)
Nicole Merrill (email)
Joni Benson (email)

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 due to disqualifying separations, but who are currently 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>.