

**IOWA DEPARTMENT OF INSPECTIONS AND APPEALS  
ADMINISTRATIVE HEARINGS DIVISION, UI APPEALS BUREAU**

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**SHAWN W GUHL**

Claimant

**THE UNIVERSITY OF IOWA**

Employer

**APPEAL 22A-UI-20037-DZ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 11/27/22**

**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quit  
Iowa Code § 96.5(1)g – Requalification for Benefits

**STATEMENT OF THE CASE:**

Shawn W. Guhl, the claimant/appellant filed an appeal from the Iowa Workforce Development (IWD) December 16, 2022 (reference 03) unemployment insurance (UI) decision. The decision denied REGULAR (state) UI benefits because IWD concluded that Mr. Guhl voluntarily quit working from this employer on June 3, 2022 by not reporting to work three days in a row and not telling the employer the reason for his absences. The decision also stated, in part, that Mr. Guhl would have to earn wages in insured work equal to ten times his weekly UI benefit amount after his June 3, 2022 separation from employment with this employer. The Iowa Department of Inspections and Appeals UI Appeals Bureau mailed notices of hearing to Mr. Guhl and the employer. A telephone hearing was held on January 11, 2023. Mr. Guhl participated personally. The employer participated through Scott Coons, human resources associate. The administrative law judge admitted Claimant's A-F as evidence.

**ISSUE:**

Did Mr. Guhl voluntarily quit without good cause attributable to the employer?

Has Mr. Guhl requalified for UI benefits since his June 3, 2022 separation from employment with this employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Guhl began working for the employer on November 22, 2021. He worked as a full-time custodian 1.

On Tuesday, May 31, Mr. Guhl's two-up manager called him into the office about his attendance. During the meeting, Mr. Guhl's two-up manager said if it were up to him, the two-up manager would terminate Mr. Guhl's employment. Mr. Guhl felt that if his two-up manager wanted to end his job then why should he continue to work for the employer. Mr. Guhl did not attend work or call in for the next three days. The employer considered Mr. Guhl to have quit, based on its policy that if an employee is a No-Call/No-Show for three consecutive shifts the employer considers the employee to have quit. Mr. Guhl was aware of the policy.

Mr. Guhl began working for a different employer, Big Ten Rentals Incorporated (Big Ten), in July 2022. He worked as a full-time labor crew member. Big Ten paid Mr. Guhl \$18.00 per hour plus a \$2.00 per hour bonus if he worked 40 hours per week. Big Ten paid Mr. Guhl every other Friday. Mr. Guhl's employment ended with Big Ten in November 2022. Mr. Guhl filed his UI claim effective November 27, 2022 after his employment ended with Big Ten. IWD set Mr. Guhl's weekly UI benefit amount at \$363.00. Big Ten reported to IWD in its regular quarterly reporting that it had paid Mr. Guhl \$3,582.00 in the third quarter of 2022.

After Mr. Guhl received the reference 03 UI decision, Mr. Guhl contacted Big Ten and asked for information about how much Big Ten paid when he worked for the company. On December 27, 2022, Big Ten's accountant sent Mr. Guhl a spreadsheet from email address [accounting@bigtenrentals.com](mailto:accounting@bigtenrentals.com) showing Big Ten had paid Mr. Guhl \$3,582.54 in calendar year 2022.<sup>1</sup> The spreadsheet lists the employer's name, "Payroll Register," "Jan 1, 2022 to Dec 31, 2022" as the covered time period, and it notes "[r]eport order is by Employee."<sup>2</sup> The spreadsheet also lists XXX-XX-[last four number of Mr. Guhl's Social Security Number]," and four reference numbers and paycheck dates – DD22, 07/29/22; DD26, 8/12/22; DD24, 8/26/22; and DD23, 9/9/22."<sup>3</sup>

Mr. Guhl submitted a full-page document that he called a paystub for pay period Friday, July 15, 2022 through Thursday, July 28, 2022, with a July 28, 2022 pay date, and DD67 check number.<sup>4</sup> Mr. Guhl submitted another full-page document he called a paystub for pay period Sunday, July 24, 2022 through Saturday, August 6, 2022, with a pay date of August 12, 2022, and a DD26 check number.<sup>5</sup> Neither document lists an employer. Both documents list Mr. Guhl's first and last name and "Social Sec : XXX-XX-49. Both documents also list "Gross...Year to Dat" of \$1,755.36. The gross pay and net pay listed on each document matches the amounts listed on Big Ten's spreadsheet. Mr. Guhl also submitted part of a document.<sup>6</sup> The document does not contain a title, name of an employer, name of an employee or any address.<sup>7</sup> The document lists a "net check" amount that matches Big Ten's spreadsheet, and lists a pay period of July 15-28, 2022.<sup>8</sup> Mr. Guhl submitted another document.<sup>9</sup> The document does not contain a title, name of an employer, name of an employee or any address.<sup>10</sup> The document lists a "net check" amount that matches Big Ten's spreadsheet, and lists a pay period of July 24, 2022 – August 6, 2022.<sup>11</sup> Mr. Guhl argues that the documents he submitted show that he earned at least \$3,630.00, or ten times his weekly UI benefit amount of \$363.00.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Mr. Guhl's separation from employment with employer The University of Iowa was without good cause attributable to the employer, and Mr. Guhl has not requalified for UI benefits.

Iowa Code section 96.5(1)g provides:

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<sup>1</sup> Claimant's Exhibit A.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> Claimant's Exhibit B.

<sup>5</sup> Claimant's Exhibit C.

<sup>6</sup> Claimant's Exhibit D.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> Claimant's Exhibit E.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

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.

g. The individual left work voluntarily without good cause attributable to the employer under circumstances which did or would disqualify the individual for benefits, except as provided in paragraph "a" of this subsection but, subsequent to the leaving, the individual worked in and was paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

Iowa Admin. Code r. 871-24.25(4) 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:

(4) The claimant was absent for three days without giving notice to employer in violation of company rule.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer.<sup>12</sup> A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention.<sup>13</sup> "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.<sup>14</sup>

In this case, Mr. Guhl stopped attending work at The University of Iowa and did not call in for three days. Mr. Guhl did what was best for him but his leaving was not for a good-cause reason attributable to the employer according to Iowa law. UI benefits are denied.

Although Mr. Guhl worked for another employer, Big Ten, after his job ended with The University of Iowa, Mr. Guhl has not established that he earned ten times his weekly UI benefit amount after his separation from The University of Iowa. The spreadsheet from employer Big Ten, which Mr. Guhl received from Big Ten and which he submitted as evidence, matches the gross pay Big Ten reported to IWD. However, the documents Mr. Guhl submitted that he called paystubs are suspect in that they:

- do not list an employer's name,
- show overlapping pay periods,

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<sup>12</sup> Iowa Code § 96.6(2).

<sup>13</sup> *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

<sup>14</sup> *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973).

- show one pay period that is Friday – Thursday, and another pay period that is Sunday – Saturday,
- show one pay date, July 28, 2022, as the last day of the pay period, July 28, 2022, and show another pay date, August 12, 2022, as the following Friday after the pay period ended, August 6, 2022,
- show a seven digit Social Security Number,
- show the same Year-to-Date amount for two different pay dates, and
- misspell Year to Date.

Mr. Guhl's document are not credible paystubs from Big Ten. The \$3,582.00 in wages the employer reported to IWD and gave to Mr. Guhl in the spreadsheet are the wages Mr. Guhl earned after he separated from employment with The University of Iowa. Since Mr. Guhl has not earned at least \$3,630.00 in insured wages since his job ended with The University of Iowa, Mr. Guhl has not requalified for UI benefits.

**DECISION:**

The December 16, 2022 (reference 03) UI decision is AFFIRMED. Mr. Guhl voluntarily left his employment with The University of Iowa without good cause attributable to the employer. Benefits are withheld until such time as Mr. Guhl has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, as long as no other decision denies his UI benefits.



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Daniel Zeno  
Administrative Law Judge

January 18, 2023  
Decision Dated and Mailed

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**APPEAL RIGHTS.** If you disagree with the decision, you or any interested party may:

**1. Appeal to the Employment Appeal Board** within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board  
4<sup>th</sup> Floor – Lucas Building  
Des Moines, Iowa 50319  
Fax: (515)281-7191  
Online: [eab.iowa.gov](http://eab.iowa.gov)**

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:

- 1) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

**2.** If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to **file a petition for judicial review in District Court** within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

**Note to Parties:** YOU MAY REPRESENT yourself in the appeal or 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.

**Note to Claimant:** It is important that you file your weekly 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.

**DERECHOS DE APELACIÓN.** Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

**1. Apelar a la Junta de Apelaciones de Empleo** dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board  
4th Floor – Lucas Building  
Des Moines, Iowa 50319  
Fax: (515)281-7191  
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

**2.** Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de **presentar una petición de revisión judicial en el Tribunal de Distrito** dentro de los treinta (30) días después de que la decisión adquiriera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

**Nota para las partes:** USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

**Nota para el reclamante:** es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

**SERVICIO DE INFORMACIÓN:**

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.