

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**CATHERINE FIALA**  
Claimant

**ST LUKES METHODIST HOSPITAL**  
Employer

**APPEAL 21A-UI-06454-WG-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

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

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Iowa Code § 96.5(1) – Voluntary Quit  
Iowa Admin. Code r. 871-24.25(17) – Child Care  
Iowa Admin. Code r. 871-24.25(23) – Serious Family Needs

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the February 25, 2021, (reference 01) unemployment insurance decision that denied benefits based upon a finding that claimant voluntarily quit her employment. The parties were properly notified about the hearing. A telephone hearing was held on April 19, 2021. Claimant, Catherine Fiala, participated and testified. The employer, St. Luke's Methodist Hospital (hereinafter "St. Luke's"), participated through Kimberly Investor, its director of the cancer center as well as through April Eich, the employer's Human Resources Business Partner. Claimant introduced Exhibit A and the employer introduced Exhibit 1. Both exhibits were received into the evidentiary record and are considered.

**ISSUE:**

Was the separation 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 administrative law judge finds: Claimant was employed as a Clinical Research Nurse from May 21, 2018, and was separated from employment on May 22, 2020, when Ms. Fiala voluntarily quit her employment with St. Luke's. Ms. Fiala initially required some time off work and utilized FMLA leave starting on March 23, 2020. At that time, Ms. Fiala needed time off due to the Covid-19 pandemic to care for her children. She qualified for benefits under the CARES Act at that time. However, she returned to employment thereafter and continued working for St. Luke's until she voluntarily quit her employment on May 22, 2020.

Ms. Fiala testified that she spoke with Kimberly Investor about her decision to leave employment with St. Luke's. Ms. Fiala attempted to leave on good terms by giving notice and attempting to work to tie up loose ends before her employment ended. Ms. Fiala concedes that she voluntarily quit her employment with St. Luke's and that Ms. Investor accepted her resignation.

Ms. Investor testified that she did accept the resignation of Ms. Fiala and she also understood the employment separation to be a voluntary quit by Ms. Fiala. She testified that the claimant and employer mutually agreed on a last day of employment to allow Ms. Fiala to wrap up some loose ends. The employer permitted claimant some leniency to work from home in an effort to accommodate her difficulties and also to tie up some loose ends before Ms. Fiala quit working. However, ultimately, the separation was the result of Ms. Fiala's voluntary resignation of employment at St. Luke's.

Subsequent to her employment with St. Luke's, Ms. Fiala accepted employment with the Veterans Administration Hospital in Iowa City. She experienced significant mental health issues working at the VA and subsequently quit that employment for health reasons at the recommendation of her mental health providers. See *Exhibit A*. Claimant testified that she desired to make a claim against the VA as well, but any such claim against the VA is not currently pending before the undersigned. It is unclear whether Ms. Fiala would qualify for benefits through the VA or if a viable claim against the VA exists. Again, that claim is not currently before the undersigned.

#### **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 section 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 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:

(17) The claimant left because of lack of child care;

(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).

In this instance, Ms. Fiala left because she had difficulties with day care for her children and because she had to deal with family responsibilities and needs. Claimant's reasons for leaving her employment were personal in nature. She did not prove good cause attributable to the employer. While claimant's leaving may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Therefore, benefits are denied.

**DECISION:**

The February 25, 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.



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William H. Grell  
Administrative Law Judge

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April 23, 2021  
Decision Dated and Mailed

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