

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**BRENDA K HOPKINS**  
Claimant

**MENARD INC**  
Employer

**APPEAL 20A-UI-14924-S2-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 08/09/20**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the October 30, 2020, (reference 01) unemployment insurance decision that denied benefits based upon her voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on January 19, 2021. Claimant Brenda K. Hopkins participated and testified. Employer Menard, Inc. participated through general manager Tim Bormann. Employer's Exhibits 1 and 2 were received.

**ISSUE:**

Did claimant voluntarily quit the employment with good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a cashier from January 29, 2019, and was separated from employment on August 12, 2020, when she resigned.

Claimant initially worked at employer's Cedar Falls location while she was attending the University of Northern Iowa (UNI). During the summer break, claimant returned to Ankeny and requested, and was granted, a transfer to employer's Ankeny location.

On July 26, 2020, in preparation for her return to school, claimant requested a transfer to the Cedar Falls location. (Exhibit 1). A request to transfer stores is not guaranteed. Claimant was available to work every other weekend. Employer denied the request due to claimant's restricted available hours. Claimant offered to make herself available for more hours, but employer did not accept claimant's limited availability.

On July 29, 2020, claimant submitted her written resignation. (Exhibit 2). Claimant listed her reason for resigning as "going back to college in Cedar Falls at UNI."

Continued work was available at employer's Ankeny location.

## 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:

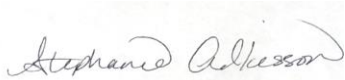
(2) The claimant moved to a different locality.

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 case, continued work was available at the Ankeny location. Claimant left her job at the location because she was moving to go back to school. Claimant requested a transfer and her request was denied. Employer did not guarantee the transfer. The resignation is not with good cause attributable to employer.

## DECISION:

The October 30, 2020, (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left his 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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Stephanie Adkisson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

February 05, 2021  
Decision Dated and Mailed

sa/ol

***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>.