

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TRAYON NASH

Claimant

PERRY COMMUNITY SCHOOL DIST

Employer

APPEAL 20A-UI-09070-HP-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/17/20

Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

Claimant Trayon Nash filed an appeal from a July 24, 2020 (reference 01) unemployment insurance decision that denied benefits for voluntarily quitting his work with Perry Community School District (“Perry CSD”) on January 21, 2020. The parties were properly notified of the hearing. A telephone hearing was held on September 11, 2020. Nash appeared and testified. Kent Bultman registered a telephone number for the hearing on behalf of Perry CSD, but he did not answer when I called the number or register another number during the hearing. Exhibits 1 through 3 were admitted into the record. I took administrative notice of the claimant’s unemployment insurance benefits records maintained by Iowa Workforce Development.

ISSUE:

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

FINDINGS OF FACT:

Nash is from Michigan and he played professional football. In July 2018, Nash commenced employment with Perry CSD as a football coach. After hiring Nash, Perry CSD also had Nash work as a wrestling coach and para educator assisting other staff. Nash worked full-time.

Nash testified he experienced discrimination while working for Perry CSD. The head football coach would let a volunteer coach provide coaching to Nash’s assignment. Nash reported the head football coach interfered with his employment and would not let him work with the students.

In December 2019, Nash was escorted out of the building. He reported other employees told him the librarian had reported she was scared of him. Nash testified he has a direct manner of talking and that he is from Michigan. Nash reported he asked what had happened, and he was never provided with the facts.

Nash filed a complaint with the Iowa Civil Rights Commissioner alleging he had been discriminated against on the basis of race. Perry CSD offered him a severance agreement to resign and he reported he felt compelled to sign the agreement so he could receive another job.

Nash reported he felt forced out because of his work environment. Nash testified after his employment ended eighty-five students protested.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) provides an individual “shall be disqualified for benefits, regardless of the source of the individual’s wage credits: . . . If the individual has left work voluntarily without good cause attributable to the individual’s employer, if so found by the department.” The Iowa Supreme Court has held a “voluntary quit” means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer.” *Wills v. Emp’t Appeal Bd.*, 447 N.W.2d 137, 138 (Iowa 1989). A voluntary quit requires “an intention to terminate the employment relationship accompanied by an overt act carrying out the intent.” *Peck v. Emp’t Appeal Bd.*, 492 N.W.2d 438, 440 (Iowa Ct. App. 1992). “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). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). The employer has the burden of proving that a claimant’s departure from employment was voluntary. *Irving v. Emp’t Appeal Bd.*, 883 N.W.2d 179 (Iowa 2016).

871 Iowa Administrative Code 24.25(20) and (21) 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 following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

24.25(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

24.25(21) The claimant left because of dissatisfaction with the work environment.

871 Iowa Administrative Code 24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

24.26(4) The claimant left due to intolerable or detrimental working conditions.

Nash testified he experienced discrimination on the basis of race while working for Perry CSD, noting he was treated differently than other similarly situated employees and volunteer staff. No one appeared on behalf of Perry CSD to rebut Nash’s testimony. I find that Nash’s working conditions were intolerable and detrimental where a reasonable person would feel compelled to quit. After considering the evidence in this case I find Nash quit his job with good cause attributable to Perry CSD. Benefits are allowed.

DECISION:

The July 24, 2020 (reference 01) unemployment insurance decision denying unemployment insurance benefits is reversed in favor of the claimant/appellant. Benefits are allowed, provided the claimant is otherwise eligible.



Heather L. Palmer
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September 14, 2020
Decision Dated and Mailed

hlp/scn