

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ANNA MILLER**

Claimant

**INSURANCE AUTO AUCTIONS CORP**

Employer

**APPEAL 20A-UI-04890-J1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/22/20**

**Claimant: APPELLANT (1)**

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Iowa Code § 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

On May 27, 2020, the claimant filed an appeal from the May 22, 2020, (reference 01) unemployment insurance decision that denied benefits based on claimant quitting without good cause attributable to the employer. The parties were notified about the hearing. The parties agreed to waive the 10-day notice of the hearing. A telephone hearing was held on June 16, 2020. Claimant participated. Employer participated through Diana Djebali.

From the appeal information and record, the claimant should have been directed to apply for Pandemic Unemployment Assistance (PUA). Unfortunately, claimant applied for “regular” unemployment which caused a delay in claimant being evaluated for eligibility for PUA benefits and inconvenience to the claimant and the employer. Information about how to apply for the PUA is at the end of this decision.

**ISSUE:**

Did claimant voluntarily quit the employment with or without good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer in 2008. Claimant last worked as a full-time title specialist. Claimant was separated from employment on July 31, 2019, when she resigned to open her own business. Claimant submitted a letter of resignation on July 16, 2019, effective July 31, 2019. (Exhibit A).

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant voluntarily quit without good cause attributable to employer. Benefits are denied.

Iowa Code § 96.5(1) provides:

An individual shall be disqualified for benefits, 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(19) 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:

(19) The claimant left to enter self-employment.

Claimant left work to work in her own business full time. She has always told her employer that fact, as well as Iowa Workforce Development. Claimant is not eligible for regular unemployment, but is a likely eligible for PUA payments.

Claimant voluntarily quit her employment without good cause attributable to the employer.

*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>.

**DECISION:**

The May 22, 2020, reference 01, is affirmed. Benefits are denied.



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James F. Elliott  
Administrative Law Judge

July 31, 2020  
Decision Dated and Mailed

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