IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU

GAIL M JACK
Claimant

THE UNIVERSITY OF IOWA
Employer

APPEAL 21A-UI-09294-JD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 11/08/20
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

On April 1, 2021, the claimant filed an appeal from the March 26, 2021, (reference 04) unemployment insurance decision that denied benefits based on the fact finders determination that the claimant voluntarily quit employment. The parties were properly notified about the hearing. A telephone hearing was held on June 8, 2021. Claimant Gail Jack participated personally. Employer participated through Jessica Wade HR Business Analyst.

ISSUE:

Did the claimant quit the employment 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 began working for employer on August 27, 2018. Claimant last worked as a full-time housekeeper. Claimant was separated from employment on February 17, 2021, when the claimant resigned in order to care for one of her children who contracted Covid-19 and then both of her children once their school closed due to the pandemic. The Claimant also contracted Covid-19 while caring for her children.

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:

24.25(17)
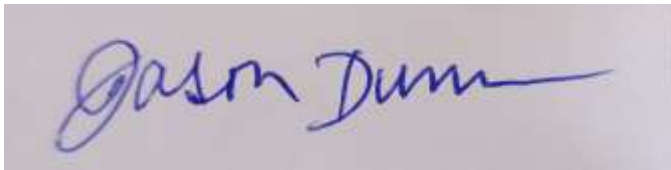   The claimant left because of lack of child care.
24.25(23)
    The claimant left voluntarily due to family responsibilities or serious family needs.

The claimant resigned from her employment due to issues surrounding her children's health and the closing of school due to Covid-19. The resignation was without good cause attributable to the employer and benefits are denied.

DECISION:

The March 26, 2021, (reference 04) unemployment insurance decision is affirmed. Claimant voluntarily left the employment without good cause attributable to the employer.

_____
Jason Dunn
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

June 22, 2021
Decision Dated and Mailed

jd/ol

NOTE TO CLAIMANT:

- This decision determines you are not eligible for regular unemployment insurance benefits under state law. 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.

- If you do not qualify for regular unemployment insurance benefits under state law and are currently unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.**   For more information on how to apply for PUA, go to https://www.iowaworkforcedevelopment.gov/pua-information. **If you do not apply for and are not approved for PUA, you may be required to repay the benefits you've received so far.**