

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ELIZABETH C CURRY
Claimant

INSIGHT PARTNERSHIP GROUP LLC
Employer

APPEAL 20A-UI-06228-HP-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 10/13/19
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Claimant Elizabeth Curry filed an appeal from a June 11, 2020 (reference 04) unemployment insurance decision that denied benefits. Notices of hearing were mailed to the parties' last known addresses of record for a telephone hearing scheduled for July 17, 2020. Curry appeared and testified. Amanda Crosgrove appeared and testified on behalf of the employer, Insight Partnership Group LLC ("Insight"). Exhibit 1 was admitted into the record. I also took administrative notice of the claimant's unemployment insurance benefits records maintained by Iowa Workforce Development.

ISSUE:

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

FINDINGS OF FACT:

Curry commenced full-time employment as a life skills site manager for Insight on March 16, 2020. Curry worked for Insight less than a week. Amanda Johnson was her direct supervisor. Curry assisted persons with disabilities with activities of daily living who were living in a group home operated by Insight.

When Covid-19 developed, Curry's children's school closed. Curry did not have access to daycare. On March 23, 2020, she asked Johnson for a leave of absence until she could find daycare. Johnson told her the residents needed continual care and Insight could not grant her a leave of absence. Johnson told Curry she could resign and reapply. Curry submitted a written resignation, Exhibit 1, on March 23, 2020 and completed her shift. Cosgrove testified Curry's work was excellent and Insight would consider rehiring her if she reapplied.

Curry has applied for Pandemic Unemployment Assistance. She reported she has been approved pending this appeal.

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).

871 Iowa Administrative Code 24.25(17) 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.

Curry enjoyed her job and Insight found she was a good employee. Due to Covid-19, Curry’s children’s school closed and she did not have daycare available. Curry requested a leave of absence during her first week of employment for Insight. Insight denied the request because the residents living in the group home where Curry worked need twenty-four hour care. Curry quit due to a lack of child care, which is not a reason attributable to Insight. Benefits are denied.

DECISION:

Regular Unemployment Insurance Benefits Under State Law

The June 11, 2020 (reference 04) unemployment insurance decision denying unemployment insurance benefits is affirmed. Claimant voluntarily quit her employment with the employer on March 23, 2020. Unemployment insurance benefits are denied until the claimant has worked in and earned wages for insured work equal to ten times her weekly benefit amount after her separation date, and provided she is otherwise eligible.

Pandemic Unemployment Assistance (“PUA”) Under the Federal CARES Act

As I discussed during the hearing, even though the claimant is not eligible for regular unemployment insurance benefits under state law, the claimant may be eligible for federally funded unemployment insurance benefits under the CARES Act. Section 2102 of the CARES Act creates a new temporary federal program called Pandemic Unemployment Assistance (“PUA”) that may provide up to 39 weeks of unemployment benefits. An individual receiving PUA benefits

may also receive an additional \$600 weekly benefit amount under the Federal Pandemic Unemployment Compensation program if the individual is eligible for PUA benefits for the week claimed. This decision does not address whether the claimant is eligible for PUA. If the claimant wishes to receive PUA benefits, the claimant must apply for PUA, as noted in the instructions provided in the "Note to Claimant" below:

Note to Claimant: If this decision determines you are not eligible for regular unemployment insurance benefits and 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, 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>.** This decision denies benefits. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits.



Heather L. Palmer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

July 24, 2020
Decision Dated and Mailed

hlp/scn