

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KENEDY K BALENTINE
Claimant

TENDER YEARS DAYCARE CENTER INC
Employer

APPEAL 21A-UI-01101-DB-T
ADMINISTRATIVE LAW JUDGE
DECISION

OC: 06/21/20
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On December 8, 2020, the claimant filed an appeal from the December 4, 2020 (reference 01) unemployment insurance decision that denied benefits to the claimant based on a voluntary quitting of work. The parties were properly notified about the hearing that was scheduled for February 15, 2021 at 4:00 p.m. Due to technical difficulties the hearing was held the following morning, February 16, 2021 at 8:30 a.m. As no attempts were made by the employer to register for or participate in the hearing, either on February 15, 2021 or February 16, 2021, the hearing proceeded without their participation. The claimant waived due notice for the hearing to take place on February 16, 2021. Claimant participated personally. The employer did not participate. The administrative law judge took official notice of the claimant's unemployment insurance benefits records.

ISSUES:

Did the claimant voluntarily quit 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 has worked for the employer since the summer of 2019 and continues to work there to date. In August of 2019, the claimant left her position in order to attend college full-time. She intended to return to work for the employer during school breaks. She typically worked for the employer as a child care provider as needed during summer breaks, winter break, and spring break while she was not attending college classes.

She worked full-time hours in 2019 during the summer months. On or about August 16, 2019, she left to go to college in a different city. The COVID 19 pandemic occurred and the employer did not have any work available to her due to low numbers of parents bringing their kids in for

ONLINE RESOURCES:

UI law and administrative rules:

<https://www.iowaworkforcedevelopment.gov/unemployment-insurance-law-and-administrative-rules>

UI Benefits Handbook:

<https://www.iowaworkforcedevelopment.gov/unemployment-insurance-claimant-handbook>

Employer UI Handbook: <https://www.iowaworkforcedevelopment.gov/employer-handbook>

Report UI fraud: <https://www.iowaworkforcedevelopment.gov/report-fraud>

Employer account access and information: <https://www.myiowaui.org/UITIPTaxWeb/>

National Career Readiness Certificate and Skilled Iowa Initiative: <http://skillediowa.org/>

care. Claimant filed her original claim for unemployment insurance benefits effective June 21, 2020. Claimant is currently working for the employer as needed.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code §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(26) 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:

(26) The claimant left to go to school.

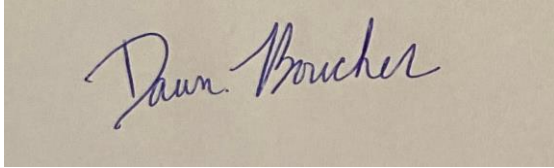
Claimant left employment with this employer in August of 2019 in order to attend school. As such, claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to 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).

The claimant anticipated that this leaving would be temporary and she planned to return to the employer during her college breaks to work. However, the leaving was not for good cause attributable to the employer, and the claimant is disqualified from unemployment insurance benefits funded by the State of Iowa until she has worked in and been paid wages insured work in the amount ten times her weekly benefit amount, provided she is otherwise eligible.

This decision does not deny Federal Pandemic Unemployment Assistance (PUA) benefits and the claimant may make an application for PUA benefits should she chose to do so. See Note to Claimant listed below.

DECISION:

The December 4, 2020 (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily quit work without good cause attributable to the employer on August 16, 2019. Unemployment insurance benefits funded by the State of Iowa 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.



Dawn Boucher
Administrative Law Judge

February 26, 2021
Decision Dated and Mailed

db/lj

Note to Claimant

- This decision determines you are not eligible for regular unemployment insurance benefits funded by the State of Iowa 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 funded by the State of Iowa under state law, you may qualify for benefits under the Federal Pandemic Unemployment Assistance (“PUA”) section of the Coronavirus Aid, Relief, and Economic Security Act (“Cares Act”) that discusses eligibility for claimants who are unemployed due to the Coronavirus.
- **You will need to apply for PUA to determine your eligibility under the program.**
For additional information on how to apply for PUA go to:
<https://www.iowaworkforcedevelopment.gov/pua-information>.
- If you are denied regular unemployment insurance benefits funded by the State of Iowa and wish to apply for PUA, please visit:
<https://www.iowaworkforcedevelopment.gov/pua-information> and scroll down to “Submit Proof Here.” You will fill out the questionnaire regarding the reason you are not working and upload a picture or copy of your fact-finding decision. Your claim will be reviewed for PUA eligibility. If you are eligible for PUA, you will also be eligible for Federal Pandemic Unemployment Compensation (FPUC) until the program expires. Back payments PUA benefits may automatically be used to repay any overpayment of state benefits. If this does not occur on your claim, you may repay any overpayment by visiting:
<https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>.
- If you have applied and have been approved for PUA benefits, this decision will **not** negatively affect your entitlement to PUA benefits.