

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**JANE L. STRUVE**  
Claimant

**FOCUS SERVICES, LLC**  
Employer

**APPEAL 20A-UI-05021-BH-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/19/20**  
**Claimant: Appellant (1)**

Iowa Code section 96.5(1) – Voluntary Quit  
Iowa Admin. Code r. 871-24.25 – Voluntary Quit Without Good Cause  
Iowa Admin. Code r. 871-24.26 – Voluntary Quit With Good Cause

**STATEMENT OF THE CASE:**

The claimant, Jane L. Struve, appealed the May 29, 2020 (reference 01) unemployment insurance decision that denied benefits based upon a finding Struve voluntary quit her job with Focus Services, LLC (Focus Services) without good cause attributable to the employer. The agency properly notified the parties of the hearing. The undersigned presided over a telephone hearing on July 9, 2020. Struve participated personally and testified. Focus Services participated through Carleano Grant of Employer Solutions Group, who acted as the employer representative and Jessi Flindt, whose job duties include assistant human resources director, who testified.

**ISSUES:**

Was Struve's separation from employment with Focus Services a layoff, discharge for misconduct, or voluntary quit without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the undersigned finds the following facts.

Focus Services hired Struve March 16, 2020. Struve worked full time for Focus Services as a customer service representative. Joy Hoagland was Struve's immediate supervisor. Struve's employment with Focus Services ended on April 18, 2020.

Struve is the primary caregiver of her son, who is of school age. When COVID-19 began to spread across the state and nation, Gov. Kim Reynolds closed Iowa's schools. Struve was unable to find care for her son during the day while she was at work.

Focus Services offered Struve two weeks of unpaid leave to make arrangements for care of her son. Struve decided to quit her job because she was unable to find any childcare for her son for

the remaining seven weeks of the school year. Struve informed Hoagland of her decision. Thus, Struve quit because his school closed due to the COVID-19 outbreak.

At the time of hearing, Struve had not applied with Iowa Workforce Development for Pandemic Unemployment Assistance under the federal CARES Act.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the undersigned concludes Struve's separation from the employment was without good cause attributable to Focus Services under Iowa law.

Iowa Code section 96.5(1) states an individual is disqualified for benefits if the individual left work voluntarily without good cause attributable to the individual's employer. Iowa Administrative Code rule 24.25 states:

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.

Under Iowa Administrative Code rule 24.25(17), it is presumed that a claimant quit without good cause attributable to the employer if the claimant left employment due to lack of childcare. There is no exception to this rule under Iowa law for a lack of childcare caused by a public health emergency such as COVID-19.

Here, Struve is the primary caregiver for her son, who is of school age. The parties agree Struve quit because the schools closed due to COVID-19 and Struve had no childcare for her son. Thus, Struve quit due to lack of childcare caused by the COVID-19 pandemic.

Struve testified at the time of hearing that she had not applied to Iowa Workforce Development for PUA under the CARES Act. According to the U.S. Department of Labor, PUA provides up to 39 weeks of benefits to qualifying individuals if, among other reasons, they are unable or unavailable to work due to a COVID-19 related reason such as:

. . . A child or other person in the household for which the individual has primary caregiving responsibility is unable to attend school or another facility that is closed as a direct result of the COVID-19 public health emergency and such school or facility care is required for the individual to work.

U.S. Dep't of Labor, Unemployment Ins. Program Letter 16-20, *Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 – Pandemic Unemployment Assistance (PUA) Program Operating, Financial, and Reporting Instructions*, (Apr. 5, 2020), online at: [https://wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=4628](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=4628) (last viewed Jul. 8, 2020).

This decision does not address whether Struve is eligible for PUA under the CARES Act.

**DECISION:**

**Regular Unemployment Insurance Benefits Under State Law**

The May 29, 2020 (reference 01) unemployment insurance decision is affirmed. Struve voluntarily left her employment without good cause attributable to Focus Services. Benefits are withheld until such time as Struve has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

**Pandemic Unemployment Assistance (PUA) Under the Federal CARES Act**

Even though Struve is not eligible for regular unemployment insurance benefits under state law, she 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 in general provides up to 39 weeks of unemployment benefits. An individual receiving PUA benefits may also receive the \$600 weekly benefit amount (WBA) under the Federal Pandemic Unemployment Compensation (FPUC) program if she is eligible for such compensation for the week claimed. This decision does not address whether Struve is eligible for PUA. For a decision on such eligibility, she must apply for PUA, as noted in the instructions provided in the "Note to Claimant" below.



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Ben Humphrey  
Administrative Law Judge

July 22, 2020  
Decision Dated and Mailed

bh/scn

**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 about how to apply for PUA, go to:

<https://www.iowaworkforcedevelopment.gov/pua-information>