

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SYLVESTER VEASEY
Claimant

DOLGENCORP LLC
Employer

APPEAL 21A-UI-01489-S1-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/16/20
Claimant: Appellant (1)

Iowa Code § 96.5-2-a – Discharge for Misconduct
Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Sylvester Veasey (claimant) appealed a representative's December 9, 2020, decision (reference 03) that concluded ineligibility to receive unemployment insurance benefits due to voluntarily quitting with the DolgenCorp (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 19, 2021. The claimant participated personally. The employer participated by Stacey Gleason, Store Manager. The administrative law judge took official notice of the administrative file.

ISSUE:

The issues include whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant performed services for the employer from September 18, 2019, through June 7, 2020, as a part-time cashier. He received the employer's handbook. The employer's attendance reporting policy stated that an employee must report his absences to a store manager, if she is available, or the manager in charge prior to the start of the shift for each day of absence.

On June 7, 2020, the claimant had a seizure at work. His doctor did not write a note restricting him from returning to work. He had medical testing and the cause of the seizure was undetermined. The doctor thought the claimant could have been dehydrated. The claimant did return to work and did not report his absences every day. He never reported his absences to the store manager. The store manager asked her staff and members of management but they did not receive a call from the claimant from June 8, 2020, through July 23, 2020. The employer heard the claimant was in a treatment facility.

On July 24, 2020, the claimant returned to the work site and asked to start work again. The store manager told the claimant he had been terminated in the system for failure to report.

Continued work was available had the claimant reported his absences or requested a leave of absence. The store manager said he was welcome to reapply because work was available. The claimant did not reapply.

The claimant filed for unemployment insurance benefits with an effective date of August 16, 2020. His weekly benefit amount was determined to be \$134.00. The claimant received no state unemployment insurance benefits or Federal Pandemic Unemployment Compensation after August 16, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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(20) 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:

- (20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

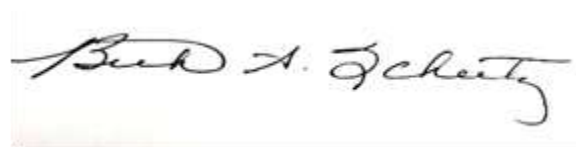
A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intention to voluntarily leave work was evidenced by his actions. He was absent from work for personal reasons for more than ten working days. When an employee is absent from work for more than ten working days for compelling personal reasons, his leaving is without good cause attributable to the employer. The claimant left work for more than ten working days for compelling personal reasons. He did not report to the employer or request a leave of absence. His leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

Even though the claimant is not eligible for regular unemployment insurance benefits under state law, he may be eligible for federally funded unemployment insurance benefits under the Coronavirus Aid, Relief, and Economic Security Act ("Cares Act"), Public Law 116-136. 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 he or she is eligible for such compensation for the week claimed. The claimant must apply for PUA, as noted in the instructions provided in the "Note to Claimant" below.

DECISION:

The representative's December 9, 2020, decision (reference 03) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount provided the claimant is otherwise eligible.



Beth A. Scheetz
Administrative Law Judge

March 01, 2021
Decision Dated and Mailed

bas/ol

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>.