

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KAITLYNNE E REDDY
Claimant

LUTHERAN SERVICES IN IOWA INC
Employer

APPEAL 21A-UI-09242-SC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 10/04/20
Claimant: Respondent (4)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Code § 96.5(1)g – Voluntary Quitting - Requalification
Iowa Code § 96.3(7) – Overpayment of Benefits
Iowa Admin. Code r. 871-24.10 – Employer Participation Fact-Finding Interview

STATEMENT OF THE CASE:

On March 31, 2021, Lutheran Services in Iowa, Inc. (employer) filed an appeal from the March 23, 2021, reference 01, unemployment insurance decision that allowed benefits based upon the determination Kaitlynne E. Reddy (claimant) was not discharged for willful or deliberate misconduct. The parties were properly notified about the hearing held by telephone on June 16, 2021. The claimant participated. The employer participated through Teresa Hellum, Residential Manager. The employer's Exhibit 1 was admitted into the record without objection.

ISSUES:

Did the claimant voluntarily quit employment with good cause attributable to the employer?
Has the claimant been overpaid unemployment insurance benefits and, if so, can the repayment of those benefits to the agency be waived and charged to the employer's account?
Has the claimant requalified for benefits since the separation?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed part-time as a Youth Associate beginning on November 19, 2019, and was separated from employment on July 14, 2020, when she quit. The claimant was hired to provide care for the employer's clients, some of whom exhibit aggressive behaviors.

On June 30, the claimant had become overwhelmed by the job and had an incident with a client known to exhibit aggressive behaviors. The claimant had received training on how to handle

aggression from clients, and she was successfully able to restrain the client. However, the claimant decided to end her employment.

The claimant filed her original claim for unemployment insurance benefits effective October 20, 2020, and the weekly benefit amount is \$298.00. The claimant has not filed any weekly claims or received any benefits since filing the original claim.

The claimant has worked for two additional employers after her separation from this employer. The first employer paid her \$1,215.00 in gross wages during the third quarter of 2020. The second employer paid her \$2,191.00 in gross wages during the fourth quarter of 2020.

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. Benefits are denied from October 4, 2020, through January 2, 2021. The claimant requalified for benefits effective January 3, 2021. Benefits are allowed after that date, if she meets all other requirements, and the account of the employer shall not be charged.

Iowa Code section 96.5(1)g 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. But the individual shall not be disqualified if the department finds that:

g. The individual left work voluntarily without good cause attributable to the employer under circumstances which did or would disqualify the individual for benefits, except as provided in paragraph "a" of this subsection but, subsequent to the leaving, the individual worked in and was paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

Iowa Admin. Code r. 871-24.25 provides, in relevant part:

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:

(21) The claimant left because of dissatisfaction with the work environment.

(27) The claimant left rather than perform the assigned work as instructed.

The 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 no longer wanted to do the work for which she was hired. While the claimant's decision to leave employment may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits must be denied from October 4, 2020, through January 2, 2021.

Since the claimant did not receive any benefits during the time she is disqualified from receiving benefits, the issues of overpayment and employer participation are moot.

The claimant has earned ten times her weekly benefit effective January 3, 2021. Should she reactivate her claim, benefits will be allowed based on this separation, if she meets all other eligibility requirements, and the employer's account shall not be charged.

DECISION:

The March 23, 2021, reference 01, unemployment insurance decision is modified in favor of the appellant. The claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld through January 2, 2021. Benefits are allowed effective January 3, 2021, which is when she had worked in and been paid wages for insured work equal to ten times her weekly benefit amount. Any benefits claimed after January 3, 2021, shall not be charged to the employer's account.

The claimant did not receive any benefits during the time she was disqualified; therefore, the issues of overpayment and participation are moot.



Stephanie R. Callahan
Administrative Law Judge

June 30, 2021
Decision Dated and Mailed

src/lj