

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**GRACE SPECHT**

Claimant

**FOCUS SERVICES LLC**

Employer

**APPEAL 20A-UI-06684-J1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/05/20**

**Claimant: APPELLANT (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

On June 22, 2020, the claimant filed an appeal from the June 16, 2020, (reference 02) unemployment insurance decision that denied benefits based on voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on July 27, 2020. Claimant participated. Employer participated through Jane Robertson and Angie Greve from the Human resources department.

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

Even though claimant is not eligible for regular unemployment insurance benefits under state law, 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 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. This decision does not address when claimant is eligible for PUA. For a decision on such eligibility, claimant must apply for PUA, as noted in the instructions provided in the “Note to Claimant” at the end of this decision.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant had two different periods of employment with the employer. The first was from January 2, 2019 through January 2, 2020. Claimant began her second period of employment on January 29, 2020. Claimant last worked as a full-time Customer Service Sales Agent. Claimant was separated from employment on April 6, 2020, when claimant was unable to find child care. Claimant’s child care provider had shut down due to Covid-19. Claimant’s last day at work was March 20, 2020. Claimant was given a 14-day leave of absence to try to find day care. Claimant was to return to work on April 6, 2020. Claimant spoke to Ms. Greve on April 6, 7 and 8, 2020 about returning to work. Claimant was unable to find day care and the employer would not extend the leave of absences. Claimant advised the employer that she would quit rather than be fired for attendance issues. The last day of her employment was April 6, 2020, the end of her leave of absence.

## **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:

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(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:

- (17) The claimant left because of lack of child care.

Claimant had a good reason for leaving her employment Claimant had to quit her job as a result of the Covid-19 pandemic and lack of child care. The quit is not attributable to her employer. I find claimant voluntarily quit her employment without good caused attributable to her employer.

## **DECISION:**

### **Regular Unemployment Insurance Benefits Under State Law**

The June 16, 2020, (reference 02) unemployment insurance decision is affirmed. Benefits are withheld until such time as claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided she is otherwise eligible.

**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-informatio>



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James F. Elliott  
Administrative Law Judge

August 3, 2020  
Decision Dated and Mailed

je/scn