

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRENDA COOK
Claimant

SYSTEMS UNLIMITED INC
Employer

APPEAL 20A-UI-06287-HP-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 05/17/20
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

Claimant Brenda Cook filed an appeal from a June 10, 2020 (reference 01) unemployment insurance decision that denied benefits based upon her voluntarily quitting work without good cause attributable to the employer, Systems Unlimited Inc. (“Systems Unlimited”). Notices of hearing were mailed to the parties’ last known addresses of record for a telephone hearing scheduled for July 20, 2020. Payton appeared and testified. Jenny O’Brien appeared and testified on behalf of Systems Unlimited. I also took administrative notice of the claimant’s unemployment insurance benefits records maintained by Iowa Workforce Development.

ISSUE:

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

FINDINGS OF FACT:

Cook commenced full-time employment as a direct support professional for Systems Unlimited on September 21, 2017. In April 2019, Systems Unlimited promoted Cook to supported living supervisor. Carrie Motto was Cook’s direct supervisor.

Cook’s adult daughter was attending school out-of-state and developed problems with anxiety and depression. Cook looked for work where her daughter was living, in Tennessee. La Petite Academy offered Cook full-time employment as an assistant teacher in Tennessee.

Cook informed Systems Unlimited she was resigning effective November 22, 2019. Cook resigned and moved to Tennessee to be closer to her adult daughter. She commenced employment with La Petite Academy on January 28, 2020.

When Covid-19 developed, La Petite Academy placed Cook on furlough. La Petite Academy called Cook back to work the end of April, offering her ten hours of work per week. Cook is struggling to pay her rent. Cook has been approved for food assistance and medical assistance in Tennessee.

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:If the individual has left work voluntarily without good cause attributable to the individual’s employer, if so found by the department.” The Iowa Supreme Court has held a “voluntary quit” means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer.” *Wills v. Emp’t Appeal Bd.*, 447 N.W.2d 137, 138 (Iowa 1989). A voluntary quit requires “an intention to terminate the employment relationship accompanied by an overt act carrying out the intent.” *Peck v. Emp’t Appeal Bd.*, 492 N.W.2d 438, 440 (Iowa Ct. App. 1992). “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).

871 Iowa Administrative Code 24.25(2) 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 following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

24.25(2) The claimant moved to a different locality.

Cook testified she enjoyed working for Systems Unlimited. Cook moved to Tennessee to be closer to her daughter who was struggling. The move was not due to her employer. Cook’s resignation is presumed to be without good cause attributable to Systems Unlimited. Therefore, benefits must be denied.

DECISION:

Regular Unemployment Insurance Benefits Under State Law

The June 10, 2020 (reference 01) unemployment insurance decision denying unemployment insurance benefits is affirmed. Claimant voluntarily quit her employment with the employer on November 22, 2019. Unemployment insurance benefits 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.

Pandemic Unemployment Assistance (“PUA”) Under the Federal CARES Act

Cook lives in Tennessee. She was working for another employer in Tennessee when Covid-19 developed. Cook’s employer furloughed her. Cook returned to part-time employment the end of April 2020. As I discussed during the hearing, even though the claimant is not eligible for regular unemployment insurance benefits under state law, the 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 may provide up to 39 weeks of unemployment benefits. An individual receiving PUA benefits may also receive an additional \$600 weekly benefit amount under the Federal Pandemic Unemployment Compensation program if the individual is eligible for PUA benefits for the week claimed. This decision does not address whether the claimant is eligible for PUA. If the claimant wishes to receive PUA benefits, the claimant must apply for PUA, as noted in the instructions provided in the “Note to Claimant” below:

Note to Claimant: If this decision determines you are not eligible for regular unemployment insurance benefits and 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, 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>.** This decision denies benefits. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits.



Heather L. Palmer
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July 28, 2020
Decision Dated and Mailed

hlp/sam