IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU

JAYNEE S JOYNES Claimant **IOWA REALTY CO INC** Employer	**APPEAL 21A-UI-18691-LJ-T** **ADMINISTRATIVE LAW JUDGE DECISION** **OC: 06/13/21** **Claimant: Appellant (4)**

Iowa Code § 96.5(1) – Voluntary Quit from Employment

STATEMENT OF THE CASE:

On August 25, 2021, claimant Jaynee S. Joynes filed an appeal from the August 17, 2021 (reference 01) unemployment insurance decision that denied benefits based on a determination that claimant voluntarily quit her employment on March 18, 2020, for personal reasons. The parties were properly notified of the hearing. A telephonic hearing was held at 9:00 a.m. on Monday, October 18, 2021. Appeal numbers 21A-UI-18689-LJ-T, 21A-UI-18691-LJ-T, and 21A-UI-18693-LJ-T were heard together and created one record. The claimant, Jaynee S. Joynes, participated. The employer, Iowa Realty Company, Inc., participated through Lori Hodges, Director of Human Resources. Claimant's Exhibit A was received and admitted into the record without objection. Department Exhibit D-1 (Ands 4.12.20 ref 01) and Department Exhibit D-2 (Ands 6.13.21 ref 02) were both marked as exhibits during the hearing, for purposes off clarifying and developing the record on the issue of timeliness.

ISSUE:

Did the claimant voluntarily quit her employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was hired by employer Iowa Realty Company, Inc., on March 27, 1990. Most recently, claimant worked for the company as a full-time relocation coordinator. Claimant's employment ended on June 8, 2020, when she resigned due to circumstances related to the COVID-19 pandemic.

Claimant had been on a temporary layoff since mid-March 2020. In early June 2020, Hodges reached out to claimant to call her back to work. At that time, claimant's doctor was still concerned about her exposure to the general public. Claimant's underlying health conditions put her at risk for severe outcomes were she exposed to COVID-19, and therefore claimant's doctor instructed her to continue to quarantine and keep herself safe. Claimant responded to the employer that she would not be returning to work. She then sent the employer a resignation letter stating that continuing to work posed too much risk to her health. Continued work was available, had she not resigned.

A disqualification decision related to claimant's refusal to be recalled to work was mailed to claimant's last known address of record on June 11, 2021. She did receive the decision. The first sentence of the decision states, "If this decision denies benefits and is not reversed on appeal, it may result in an overpayment which you will be required to repay." The decision contained a warning that an appeal must be postmarked or received by the Appeals Bureau by June 21, 2021.

A disqualification decision related to claimant's failure to earn eight times her weekly benefit amount after opening her claim effective April 12, 2020, was mailed to claimant's last known address of record on June 23, 2021. She did receive the decision. The first sentence of the decision states, "If this decision denies benefits and is not reversed on appeal, it may result in an overpayment which you will be required to repay." The decision contained a warning that an appeal must be postmarked or received by the Appeals Bureau by July 3, 2021.

Claimant acknowledges receiving both of the disqualification decisions and admits she did not take action when she received them. When she initially opened her claim, she spoke to someone at the agency and was told that she should file her weekly claims and the agency would "let her know" when her eligibility expired or her benefits ran out. Claimant believed this would be communicated through the online weekly claims-filing system. Therefore, she did not pay attention to the decisions she received in the mail.

Later, the disqualification decision related to claimant's separation from employment was mailed to claimant's last-known address of record on August 17, 2021. Claimant did receive this decision. The decision mis-stated that claimant separated from her employment in March 2020, when claimant did not actually separate from her employment until June 2020. Claimant promptly called the agency and then filed an appeal on August 25, 2021. This appeal was applied to the two prior disqualification decisions as well.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation was without good cause attributable to the employer.

Iowa Code §96.5(1) provides:

> An individual shall be disqualified for benefits:
>
> 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 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.

(37) The claimant will be considered to have left employment voluntarily when such claimant gave the employer notice of an intention to resign and the employer accepted such resignation.

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). Here, claimant chose to end her employment in order to continue quarantining due to the COVID-19 pandemic. This was certainly a compelling personal reason to remain out of the workforce. However, this reason is not fairly attributable to the employer, and the employer cannot be held responsible for funding claimant's unemployment insurance benefits in this circumstance.

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). Claimant notified the employer she would not be returning to work. She then submitted her resignation and ended her employment. The administrative law judge finds claimant separated from employment effective June 8, 2020, without good cause attributable to the employer. Benefits are withheld effective June 7, 2020.

DECISION:

The August 17, 2021 (reference 01) unemployment insurance decision is modified in favor of the claimant. Claimant separated without good cause attributable to the employer. Benefits are withheld effective June 7, 2020. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Elizabeth A. Johnson
Administrative Law Judge
Unemployment Insurance Appeals Bureau

October 25, 2021
Decision Dated and Mailed

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