

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CASEY L COPELAND
Claimant

CASEY'S MARKETING COMPANY
Employer

APPEAL 20A-UI-05769-BH-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/26/20
Claimant: Appellant (1)

Iowa Code section 96.5(1) – Voluntary Quit
Iowa Administrative Code rule 871-24.25 – Voluntary Quit Without Good Cause Attributable to the Employer
Iowa Administrative Code rule 871-24.26 – Voluntary Quit With Good Cause Attributable to the Employer

STATEMENT OF THE CASE:

The claimant, Casey L. Copeland, appealed the June 8, 2020 (reference 02) unemployment insurance decision that denied benefits based upon a finding Copeland voluntarily quit her job with Casey's Marketing Company (Casey's) without good cause attributable to the employer. The agency properly notified the parties of the appeal and hearing.

The undersigned presided over a telephone hearing on July 9, 2020. Copeland participated personally and testified. Casey's participated through Copeland's manager when she worked for the employer, Sandy Duncan, who testified.

ISSUES:

Was Copeland's separation from employment with Casey's a layoff, discharge for misconduct, or voluntary quit without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the undersigned finds the following facts.

Casey's hired Copeland on November 1, 2017. She worked full time as a donut maker and food service manager. On December 2, 2019, Copeland submitted her resignation. Casey's accepted her resignation effective December 26, 2019.

Copeland had symptoms of bilateral carpal tunnel syndrome for years. Her symptoms included numbness, pain, and weakness in both hands and arms. Copeland attributes her bilateral carpal tunnel syndrome to working, but not to her work at Casey's. She also had tendonitis.

It was not until 2019 that Copeland sought treatment for her symptoms. She required surgery. Casey's placed Copeland on leave under the federal Family and Medical Leave Act of 1993 (FMLA) for her surgery and recovery.

Copeland exhausted her leave under the FMLA. Copeland's treating physician would not release her to return to work. Consequently, Copeland submitted her resignation by email to the Casey's corporate office on December 2, 2019. Duncan received the email on December 24, 2019. Casey's ended Copeland's employment on December 26, 2019. Casey's had continuing work available for Copeland had she not quit.

After Copeland's resignation from Casey's, she has had ongoing medical problems that prevent her from working. At the time of hearing, she was not able to work or seeking work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the undersigned concludes Copeland left employment with Casey's voluntarily and without good cause attributable to the employer under the Iowa Employment Security Law, Iowa Code chapter 96.

Under Iowa Code section 96.4(3), a claimant must be able to and available for work in order to be eligible for unemployment insurance benefits. The evidence shows that Copeland is neither able to nor available for work because of her health issues. Copeland is unable to work and is therefore not seeking work. Consequently, Copeland is not eligible for benefits under the law.

DECISION:

Regular Unemployment Insurance Benefits Under State Law

The June 8, 2020 (reference 02) unemployment insurance decision is affirmed. Copeland is not able to and available for work. Benefits are withheld until such time as Copeland has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Pandemic Unemployment Assistance (PUA) Under the Federal CARES Act

Even though Copeland is not eligible for regular unemployment insurance benefits under state law, she 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 she is eligible for such compensation for the week claimed.

This decision does not address whether Copeland is eligible for PUA. For a decision on such eligibility, Copeland must apply for PUA, as noted in the instructions provided in the "Note to Claimant" below.



Ben Humphrey
Administrative Law Judge

August 5, 2020
Decision Dated and Mailed

bh/sam

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-information>