

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**TATA D ROGERS**  
Claimant

**ALORICA INC**  
Employer

**APPEAL 20A-UI-06594-HP-T**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**OC: 04/26/20**  
**Claimant: Appellant (6)**

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Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 17A.12(3) – Default Decision  
Iowa Admin. Code r. 871-26.14(7) – Dismissal of Appeal on Default

**STATEMENT OF THE CASE:**

Claimant Tata Rogers filed an appeal from a June 16, 2020 (reference 01) unemployment insurance decision that denied benefits based on her voluntarily quitting work without good cause attributable to the employer, Alorica, Inc. (“Alorica”). Notices of hearing were mailed to the parties’ last known addresses of record for a telephone hearing scheduled for July 24, 2020, at 10:00 a.m. Rogers appeared and testified. No one appeared on behalf of the employer, Alorica. I took administrative notice of the claimant’s unemployment insurance benefits records maintained by Iowa Workforce Development.

**ISSUE:**

Was the separation a layoff, discharge for misconduct or voluntary quit without good cause?

**FINDINGS OF FACT:**

Rogers commenced full-time employment as a patient care advocate with Alorica, working in a call center on February 11, 2019. In December 2019, Rogers underwent partial hysterectomy. Rogers took unpaid leave under the Family Medical Leave Act following her surgery. Rogers returned to work full-time.

On February 14, 2020, Rogers was experiencing problems she believed were due to her partial hysterectomy. She returned to her surgeon and he believed Rogers’s problems were not due to the surgery, but were due to a gastrointestinal problem and he referred her to a gastrointestinal specialist.

Rogers did not return to work after February 14, 2020. She reported she left messages at Alorica that she was going to be absent, but she did not hear back from her employer. Rogers testified Alorica did not approve a leave of absence.

On February 27, 2020, Rogers lost her cellular telephone or it was stolen. She did not have access to a phone. Rogers did not call Alorica to report she was going to be absent. Rogers

did not contact Alorica on or before March 17, 2020, to report she was going to be absent. She did not physically go into Alorica after February 14, 2020, to report she was going to be absent. Later, when she was able to purchase a new cellular telephone, Rogers had a number of voicemail messages from Alorica. She did not listen to the messages.

### **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(20) and (36) provide:

**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(20)** The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

**24.25(36)** The claimant maintained that the claimant left due to an illness or injury which was caused or aggravated by the employment. The employer met its burden of proof in establishing that the illness or injury did not exist or was not caused or aggravated by the employment.

871 Iowa Administrative Code 24.26(6) provides:

**Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits.** The following are reasons for a claimant leaving employment with good cause attributable to the employer:

**24.26(6)** Separation because of illness, injury, or pregnancy.

*a. Nonemployment related separation.* The claimant left because of illness, injury or pregnancy upon the advice of a licensed and practicing physician. Upon recovery, when recovery was certified by a licensed and practicing physician, the claimant returned and offered to perform services to the employer, but no suitable, comparable work was available. Recovery is defined as the ability of the claimant to perform all of the duties of the previous employment.

*b. Employment related separation.* The claimant was compelled to leave employment because of an illness, injury, or allergy condition that was attributable to the employment. Factors and circumstances directly connected with the employment which caused or aggravated the illness, injury, allergy, or

disease to the employee which made it impossible for the employee to continue in employment because of serious danger to the employee's health may be held to be an involuntary termination of employment and constitute good cause attributable to the employer. The claimant will be eligible for benefits if compelled to leave employment as a result of an injury suffered on the job. In order to be eligible under this paragraph "b" an individual must present competent evidence showing adequate health reasons to justify termination; before quitting have informed the employer of the work-related health problem and inform the employer that the individual intends to quit unless the problem is corrected or the individual is reasonably accommodated. Reasonable accommodation includes other comparable work which is not injurious to the claimant's health and for which the claimant must remain available.

There was no evidence presented at hearing Rogers's health conditions were caused or aggravated by her employment with Alorica. The evidence revealed Rogers left for compelling personal reasons, however the period of absence exceeded ten working days. Alorica did not approve a leave of absence. Rogers voluntarily quit her position when she was gone from work for a period exceeding ten working days. Her quit is presumed to be without good cause attributable to Alorica. Therefore, benefits must be denied.

#### **DECISION:**

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

The June 16, 2020 (reference 01) unemployment insurance decision denying unemployment insurance benefits is affirmed. Claimant voluntarily quit her employment with the employer on March 17, 2020. 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**

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 ("FPUC") program if the individual is eligible for PUA benefits for the week claimed. The FPUC additional \$600 payment per week ends as of July 25th in Iowa. This means the \$600 weekly additional benefit will stop and at this time, no extension or change to the program has been made by Congress at this time. This does mean that you will see a corresponding decrease in your weekly benefit amount. The FPUC payments are not a state benefit and Iowa is unable to make any changes to the availability of this benefit. If a change takes place to this benefit in the future, IWD will share on the IWD website and social media. 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.



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July 31, 2020  
Decision Dated and Mailed

hlp/sam