

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

VANESSA WORCESTER
Claimant

APPEAL 20A-UI-06243-BH-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARE INITIATIVES
Employer

OC: 03/29/20
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, Vanessa Worcester, appealed the June 2, 2020 (reference 01) unemployment insurance decision that denied benefits based upon a finding Worcester voluntary quit her job with Care initiatives (Care Initiatives) without good cause attributable to the employer. The agency properly notified the parties of the hearing.

The undersigned presided over a telephone hearing on July 17, 2020. Worcester participated personally and testified. Her husband, Michael Worcester, also testified. Care Initiatives did not participate.

ISSUES:

Was Worcester's separation from employment with Care Initiatives a layoff, discharge for misconduct, or voluntary quit without good cause attributable to Care Initiatives?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the undersigned finds the following facts. Care Initiatives hired Worcester on January 7, 2017. She worked full time as a medical records clerks. Worcester gave notice to Care Initiatives that she was quitting to go to school. She gradually phased out her hours until her final day on the job, May 23, 2019. After completing her education, Worcester became self employed as a massage therapist.

The COVID-19 pandemic hit Iowa in the spring of 2020. Gov. Kim Reynolds issued a proclamation closing all businesses except essential business. The proclamation prohibited massage therapists such as Worcester from working.

Unemployed, Worcester sought to apply for federal Pandemic Unemployment Assistance (PUA) under the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020. Neither

Worcester nor her husband is certain whether she successfully applied for PUA as opposed to regular unemployment insurance benefits under state law.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the undersigned concludes Worcester quit her job with Care Initiatives without good cause attributable to the employer.

Iowa Code section 96.1(1) disqualifies a claimant from benefits if the claimant quit she job without good cause attributable to the employer. The Iowa Supreme Court has held that good cause requires “real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the element of good faith.” *Wiese v. Iowa Dep't of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). Moreover, the court has advised that “common sense and prudence must be exercised in evaluating all of the circumstances that lead to an employee's quit in order to attribute the cause for the termination.” *Wiese v. Iowa Dep't of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986).

According to the Iowa Supreme Court, good cause attributable to the employer does not require fault, negligence, wrongdoing or bad faith by the employer. *Dehmel v. Employment Appeal Bd.*, 433 N.W.2d 700, 702 (Iowa 1988). Good cause may be attributable to “the employment itself” rather than the employer personally and still satisfy the requirements of the Act. E.g. *Raffety v. Iowa Employment Security Commission*, 76 N.W.2d 787, 788 (Iowa 1956). The test is an objective one:

Iowa Administrative Code rule 24.25 creates a presumption a claimant quit without good cause attributable to the employer in certain circumstances. Under rule 871-24.25(26), a claimant is presumed to have quit her job without good cause attributable to the employer if she left employment to go to school.

A burden-shifting framework is used to evaluate quit cases. Because an employer may not know why a claimant quit, the claimant has the initial burden to produce evidence suggesting the claimant is not disqualified from benefits under Iowa Code section 96.5(1) *a* through *j* and section 96.10. If the claimant produces such evidence, the employer has the burden to prove the claimant is disqualified from benefits under section 96.5(1).

Here, Worcester left employment with Care Initiatives to go to school. Under Iowa law, a claimant who quits her job to go to school is not eligible for regular unemployment insurance benefits because she quit without good cause attributable to the employer. Worcester is therefore not eligible to regular unemployment insurance benefits under state law.

Worcester intended to apply for PUA benefits under the federal CARES Act. It appears that she did not submit such an application to the agency.

According to the U.S. Department of Labor, PUA provides for up to 39 weeks of benefits to qualifying individuals who are unable or unavailable to work due to one or more COVID-19 related reasons such as:

The individual's place of employment is closed as a direct result of the COVID-19 public health emergency.

U.S. Dep't of Labor, Unemployment Ins. Program Letter 16-20, “Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 – Pandemic Unemployment Assistance (PUA)

Program Operating, Financial, and Reporting Instructions,” p. 3 (Apr. 5, 2020), available online at: https://wdr.doleta.gov/directives/attach/UIPL/UIPL_16-20_acc.pdf (last viewed July 16, 2020).

This decision does not address whether Worcester might be eligible for PUA under the CARES Act.

DECISION:

Regular Unemployment Insurance Benefits Under State Law

The June 2, 2020 (reference 01) unemployment insurance decision is affirmed. Worcester voluntarily left her employment without good cause attributable to Care Initiatives. Benefits are withheld until such time as Worcester 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 Worcester 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 Worcester is eligible for PUA. For a decision on such eligibility, Worcester must apply for PUA, as noted in the instructions provided in the “Note to Claimant” below.

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>

A handwritten signature in black ink, appearing to read "Ben Humphrey", with a stylized flourish extending from the end.

Ben Humphrey
Administrative Law Judge

August 28, 2020
Decision Dated and Mailed

bh/scn