

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CLAYTON SPECHT
Claimant

MARTIN LUTHER HOME CORPORATION
Employer

APPEAL 21A-UI-16232-DB-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/14/21
Claimant: Respondent (2R)

Iowa Code § 96.5(1) – Voluntary Quitting of Work
Iowa Code § 96.3(7) – Overpayment of Benefits
Iowa Admin. Code r. 871-24.10 – Employer Participation in Fact-finding Interview

STATEMENT OF THE CASE:

The employer/appellant filed an appeal from the July 12, 2021 (reference 02) unemployment insurance decision that allowed benefits to the claimant based upon a discharge from employment on June 3, 2020. The parties were properly notified of the hearing. A telephone hearing was held on September 13, 2021. The claimant participated personally. The employer participated through witnesses Janet Warren and Jennifer Groenwold. The administrative law judge took official notice of the claimant's unemployment insurance benefits records.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant began employment as a part-time laundry aide at the employer's nursing home on March 5, 2019. His last day physically worked on the job was March 31, 2020. At that time, the claimant took a leave of absence from work due to his medical conditions that made him more susceptible to serious complications should he contract COVID-19.

On or about May 21, 2020, a letter was mailed to the claimant instructing him to return to work effective June 1, 2020. The letter indicated the COVID-19 mitigation strategies the employer had put into place in order to protect its workforce. At that time, the claimant's medical provider was still instructing him to refrain from working.

On or about June 3, 2020, the claimant spoke with Janet Patters, a human resources representative for the employer, on or about June 3, 2020 and indicated that he would not be returning back to work. Ms. Patters indicated to the claimant that they could not continue to hold his job for him. There was continuing work available to the claimant if he would have returned on or about June 3, 2020.

A fact-finding interview was scheduled for July 9, 2021. Claimant participated in the interview by telephone. The employer did not participate in the fact-finding interview because it did not receive notification that the interview was occurring. The employer faxed documentation about the claimant's leave of absence from work to Iowa Workforce Development on July 14, 2021.

Claimant's administrative records establish that he has not received any regular unemployment insurance benefits effective March 14, 2021 and beyond as his claim is locked due to him failing to work in and be paid wages in insured work of at least eight times his previous weekly-benefit amount. No decision regarding whether the claimant has been able to and available for work effective his current claim year beginning March 14, 2021 has been adjudicated by the Benefits Bureau of Iowa Workforce Development. That issue will be remanded to the Benefits Bureau for an initial investigation and determination.

Claimant's administrative records establish that he received regular unemployment insurance benefits funded by the State of Iowa at his weekly-benefit amount of \$94.00 for the weeks between March 15, 2020 and May 30, 2020; however, he was approved for Federal Pandemic Unemployment Assistance (PUA) benefits at the increased weekly-benefit amount of \$203.00 effective March 15, 2020 through June 12, 2021. The matter of whether the claimant was underpaid benefits from March 15, 2020 through May 30, 2020 will also be remanded to the Benefits Bureau of Iowa Workforce Development for an investigation and determination.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

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. 871-24.22(2)(1)(2)(3) provides:

Benefit eligibility conditions. For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

j. Leave of absence. A leave of absence negotiated with the consent of both parties, employer and employee, is deemed a period of voluntary unemployment for the employee-individual, and the individual is considered ineligible for benefits for the period.

(1) If at the end of a period or term of negotiated leave of absence the employer fails to reemploy the employee-individual, the individual is considered laid off and eligible for benefits.

(2) If the employee-individual fails to return at the end of the leave of absence and subsequently becomes unemployed the individual is considered as having voluntarily quit and therefore is ineligible for benefits.

(3) The period or term of a leave of absence may be extended, but only if there is evidence that both parties have voluntarily agreed.

(emphasis added).

Claimant had an intention to quit and carried out that intention by tendering his verbal resignation to Ms. Patters by telling her he was not going to return back to the job effective June 1, 2020. As such, 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).

In this case, the claimant voluntarily quit because of his dissatisfaction with the work environment and the fact that the claimant's medical provider was instructing him to refrain from working as a laundry aide at that time.

Iowa Admin. Code r. 871-24.25(21) 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:

(21) The claimant left because of dissatisfaction with the work environment.

The claimant's voluntary quitting was not for a good-cause reason attributable to the employer according to Iowa law. As such, the separation from employment on June 3, 2020 is disqualifying and unemployment insurance benefits funded by the State of Iowa must be denied.

Because no regular unemployment insurance benefits were paid to the claimant during this claim year effective March 14, 2021, the issue of overpayment of benefits during this claim year (and participation in the fact-finding interview) are moot.

DECISION:

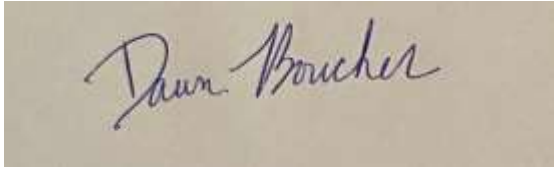
The July 12, 2021 (reference 02) unemployment insurance decision is reversed. Claimant voluntarily quit employment without good cause attributable to the employer on June 3, 2020. Unemployment insurance benefits funded by the State of Iowa are denied until the claimant has worked in and earned wages for insured work equal to ten times his weekly benefit amount after his June 3, 2020 separation date, and provided he is otherwise eligible.

REMAND:

The issues of whether the claimant was able to and available for work effective March 14, 2021 is remanded to the Benefits Bureau for an initial investigation and determination.

The issue of whether the claimant was improperly paid benefits for the weeks of March 15, 2020 through May 30, 2020 because he was paid regular unemployment benefits instead of his

approved PUA benefits is remanded to the Benefits Bureau for an initial investigation and determination.

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Dawn Boucher
Administrative Law Judge

September 17, 2021
Decision Dated and Mailed

db/ol