

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MICHAEL JOYNER
Claimant

PREMIER STAFFING INC
Employer

APPEAL 20A-UI-04952-HP-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 04/05/20
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Code § 96.5(2) – Discharge Due to Misconduct

STATEMENT OF THE CASE:

Claimant Michael Joyner filed an appeal from a May 28, 2020 (reference 02) unemployment insurance decision that denied benefits based upon him voluntarily quitting work without good cause attributable to the employer, Premier Staffing Inc. (“Premier”). Notices of hearing were mailed to the parties’ last known addresses of record scheduling a hearing for June 23, 2020, at 11:00 a.m. At the time of the scheduled hearing, Joyner appeared and testified. Janelle Karrels appeared on behalf of Premier. I also took administrative notice of Joyner’s unemployment insurance benefits records maintained by Iowa Workforce Development.

ISSUE:

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

FINDINGS OF FACT:

Joyner commenced his full-time employment as an operator with Karrels on October 29, 2019. Premier is a temporary employment service. Premier placed Joyner at CCB Packaging as a temporary associate. Premier’s office is located at CCB Packaging.

Joyner worked for Premier until November 1, 2019. On November 1, 2019, he told his supervisor, Tammy Shaner, that the work was too physical for him to handle because he has arthritis in his hip. Joyner left work and he did not return. He did not request another assignment from Premier because there was no other work available. Joyner testified he voluntarily quit from Premier and he did not request another assignment. Joyner’s separation date was November 4, 2019.

Joyner had previously worked for the Salvation Army and he eventually returned to the Salvation Army. The Salvation Army reduced Joyner’s hours due to Covid-19. Joyner is seeking pandemic unemployment assistance for the reduction in hours due to Covid-19. This appeal does not involve Joyner’s claim for pandemic unemployment assistance.

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(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.

871 Iowa Administrative Code 24.26(4), also 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(4) The claimant left due to intolerable or detrimental working conditions.

Joyner worked for Premier for less than a week. He reported he could not tolerate the physical nature of the job because of his arthritis. I do not find the conditions of the work would lead a reasonable person to believe his working conditions were intolerable or detrimental where a reasonable person would feel compelled to quit. I find, after carefully considering the evidence in this case, Joyner voluntarily quit his job without good cause attributable to Premier. Benefits are denied.

While the claimant may not be eligible for regular State of Iowa unemployment insurance benefits, the claimant may be eligible for unemployment insurance benefits that have been made available to claimants under the Coronavirus Aid, Relief, and Economic Security Act (“Cares Act”). The Pandemic Unemployment Assistance (“PUA”) section of the Cares Act discusses eligibility for claimants who are unemployed due to the Coronavirus. For claimants who are ineligible for regular unemployment insurance benefits under Iowa Code Chapter 96, they may be eligible under PUA.

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.

DECISION:

The May 28, 2020 (reference 02) unemployment insurance decision denying unemployment insurance benefits is affirmed. Claimant voluntarily quit his employment with the employer on November 4, 2019. Unemployment insurance benefits are denied until the claimant has worked in and earned wages for insured work equal to ten times his weekly benefit amount after his separation date, and provided he is otherwise eligible.



Heather L. Palmer
Administrative Law Judge
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July 1, 2020
Decision Dated and Mailed

hlp/scn