

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MEGGAN E MCDONALD
Claimant

RECOVER HEALTH SERVICES LLC
Employer

APPEAL NO. 20A-UI-02303-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 02/16/20
Claimant: Appellant (1R)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated March 4, 2020, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on April 27, 2020. Claimant participated. Employer failed to respond to the hearing notice and did not participate. Claimant's Exhibits A-B were admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on October 31, 2019. Throughout her employment, claimant worked as a full time pediatric home health nurse.

Claimant asked for, and was granted a leave of absence that was to extend until January 15, 2020. On January 3, 2020, employer texted claimant asking if she was returning to work on January 15, 2020. Claimant stated that she believed so. Employer then asked about the hours or shift claimant wanted to work. Claimant did not respond to employer for the next 11 days.

Claimant explained that her employer would have to travel around to find some client in need of a pediatric home health nurse. She stated that this could take many days to find a place for claimant to work. On January 14, 2020 at 9:03 pm claimant stated that she'd work any time, except Sundays.

Claimant stated she did not work on January 15, 2020 as employer did not have an assignment. The night of January 15, 2020 claimant emailed employer stating that she was looking to either fill in short term of do clerical or training tasks rather than working in the position for which she'd been hired. Claimant stated that her potential for migraines might be detrimental if given her normal position. Claimant also stated she was looking for other work and didn't want to be leaving a placement shortly after getting it.

Claimant stated that she then spoke with employer on January 16, 2020. Employer told claimant that they didn't have work like that available. They then agreed to part ways.

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:

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.

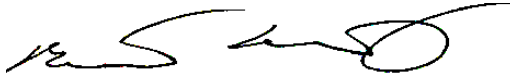
The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she wanted to be working a different job than she'd been hired to work. Claimant tied employer's hands when she didn't respond to employer's attempts to be in contact a couple weeks before claimant's return in order to line up a client for claimant's return. Claimant then attempted to negotiate another position from employer. Employer did not have that position available and the parties parted ways. Benefits are denied.

Note to Claimant: This decision determines you are not eligible for regular unemployment insurance benefits. 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. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations 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>.

It appears that claimant has received state and federal unemployment benefits in this matter since the date of job separation. This matter is remanded to the fact finder for determination of whether state and/or federal unemployment benefits have been received.

DECISION:

The decision of the representative dated March 4, 2020, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible. This matter is remanded to the fact finder for determination of whether state and/or federal unemployment benefits have been received.



Blair A. Bennett
Administrative Law Judge

April 29, 2020
Decision Dated and Mailed

bab/scn