

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

VIRGINIA M REHFELDT
Claimant

TARGET CORPORATION
Employer

APPEAL 21A-UI-02605-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 09/13/20
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit
Iowa Code § 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

Virginia M Rehfeldt, the claimant/appellant filed an appeal from the November 23, 2020, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on March 9, 2021. Ms. Rehfeldt participated and testified. The employer participated through Angie Tichota, executive team leader – human resources.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Rehfeldt began working for the employer on November 8, 2017. She worked as a part-time cashier. Her last day at work was June 13, 2020 or June 14, 2020.

Ms. Rehfeldt is diagnosed with several health serious conditions and she told the employer about them. Ms. Tichota testified that Ms. Rehfeldt called the employer on June 15, 2020 and told her supervisor that she quit because she could no longer do the job. Ms. Rehfeldt denies making such a call. Sometime during the week of June 15-19, 2020 Ms. Rehfeldt was hospitalized and received a blood transfusion. Ms. Rehfeldt was then bed bound for six weeks.

The employer contacted Ms. Rehfeldt several times. She did not respond. Ms. Tichota called Ms. Rehfeldt's emergency contact person, her daughter. Ms. Tichota told Ms. Rehfeldt's daughter that Ms. Rehfeldt had not attended work and had not returned the employers calls. Ms. Tichota also told Ms. Rehfeldt's daughter that Ms. Rehfeldt could take Family Medical Leave Act (FMLA) leave to protect her job. Days later Ms. Rehfeldt's daughter called Ms. Tichota with Ms. Rehfeldt. Ms. Tichota told Mr. Rehfeldt about the option to take FMLA leave. Ms. Rehfeldt told Ms. Tichota that she was okay.

On July 15, 2020, the employer considered Ms. Rehfeldt to have quit since she had not attended work for over a month and she did not call in for weeks. In mid-August 2020, Ms. Rehfeldt returned to work. When she was not able to clock she asked what was going on. The employer told Ms. Rehfeldt that she had forfeited her job.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Ms. Rehfeldt's separation from the employment was without good cause attributable to the employer.

Iowa Code section 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. 871-24.25 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:

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

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). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

In this case, Mr. Rehfeldt was hospitalized and bed bound for six weeks. However, the employer did not know this because Ms. Rehfeldt did not return the employer's many calls. The one time Ms. Rehfeldt spoke with the employer she chose not to take FMLA leave and told the employer she was okay. While Ms. Rehfeldt's leaving may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits are denied.

DECISION:

The November 23, 2020, (reference 01) unemployment insurance decision is affirmed. Ms. Rehfeldts voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.



Daniel Zeno
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

March 12, 2021
Decision Dated and Mailed

dz/lj