

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**WENDY S LARSEN**  
Claimant

**ABRH LLC**  
Employer

**APPEAL 20A-UI-10989-J1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 06/07/20**  
**Claimant: Appellant (2)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

On September 8, 2020, the claimant filed an appeal from the August 31, 2020, (reference 01) unemployment insurance decision that denied benefits based on voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on October 23, 2020. Claimant participated. Employer did not participate.

**ISSUE:**

Did claimant's employment end for a disqualifiable reason?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on March 7, 2020. Claimant last worked as a part-time housekeeper. The claimant was working at a Super 8 motel. Claimant was separated from employment on June 5, 2020, when she was told by the head of housekeeping to turn in her uniform. Claimant testified that her employer might have been dissatisfied with her work. Claimant's sister was present and heard the phone call that requested that claimant turn in her uniform.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code §§ 96.5(1) and 96.5(2)a. The burden of proof rests with the employer to show that the claimant voluntarily left his employment. *Irving v. Emp't Appeal Bd.*, 883 N.W.2d 179 (Iowa 2016). A voluntary quitting of employment requires that an employee exercise a voluntary choice between remaining employed or terminating the employment relationship. *Wills v. Emp't Appeal*

*Bd.*, 447 N.W.2d 137, 138 (Iowa 1989); *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438, 440 (Iowa Ct. App. 1992).

The employer presented no evidence of misconduct. Claimant was told to turn in her uniform. Claimant did not quit. The evidence in the record establishes a discharge for no disqualifying reason.

**DECISION:**

**Regular Unemployment Insurance Benefits Under State Law**

The August 31, 2020, (reference 01) unemployment insurance decision is reversed. Benefits are payable, provided claimant is otherwise eligible.



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James F. Elliott  
Administrative Law Judge

October 27, 2020  
Decision Dated and Mailed

je/sam