

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHARLES T TENEYCK
Claimant

STUDERS DENISON HARDWARE LLC
Employer

APPEAL 22A-UI-08394-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 11/24/19
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

On April 1, 2022, Charles Teneyck (claimant/appellant) filed a timely appeal from the Iowa Workforce Development (“IWD”) decision dated March 31, 2022 (reference 09) that disqualified claimant from unemployment insurance benefits based on a finding that he voluntarily left employment on March 10, 2020 without a showing of good cause for doing so.

A telephone hearing was held on May 20, 2022. The parties were properly notified of the hearing. Appeal Nos. 22A-UI-08394, 22A-UI-08395, 22A-UI-08397, 22A-UI-08398, and 22A-UI-08399 are related and were heard together. The claimant participated personally. Studers Denison Hardware LLC (employer/respondent) participated by former owner Lori Studer.

No exhibits were offered or admitted. Official notice was taken of the administrative record.

ISSUE(S):

- I. Was the separation from employment a layoff, discharge for misconduct, or voluntary quit without good cause?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant began working for employer in January 2020. Claimant was employed as a part-time clerk. Claimant’s immediate supervisor was Ms. Studer. The last day claimant worked on the job was around the beginning of March 2020; neither party could say with certainty when it was. Claimant voluntarily left employment at that time. Claimant left after Ms. Studer gave him the choice to stay home rather than work due to the pandemic. Claimant decided to stay home rather than work. Ms. Studer advised claimant he could return to work whenever he wished to do so. There was work continuing work available for claimant if he had not chosen to leave employment. Claimant chose not to return to work later. Claimant left work and did not return due to his age and health conditions which made him particularly vulnerable to COVID-19.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the decision dated March 31, 2022 (reference 09) that disqualified claimant from unemployment insurance benefits based on a finding that he voluntarily left employment on March 10, 2020 without a showing of good cause for doing so is AFFIRMED.

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.

Iowa Admin. Code r. 871-24.25 provides in relevant part:

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). The employer has the burden of proving that a claimant's departure from employment was voluntary. *Irving v. Emp't Appeal Bd.*, 883 N.W.2d 179 (Iowa 2016). "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". *Id.* (citing *Cook v. Iowa Dept. of Job Service*, 299 N.W.2d 698, 701 (Iowa 1980)).

"Good cause" for leaving employment must be that which is reasonable to the average person, not to the overly sensitive individual or the claimant in particular. *Uniweld Products v. Industrial Relations Commission*, 277 S.2d 827 (Florida App. 1973). While a notice of intent to quit is not required to obtain unemployment benefits where the claimant quits due to intolerable or detrimental working conditions, the case for good cause is stronger where the employee complains, asks for correction or accommodation, and employer fails to respond. *Hy-Vee Inc. v. EAB*, 710 N.W.2d 1 (Iowa 2005).

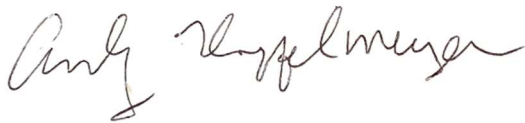
Iowa unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code §§ 96.5(1) and 96.5(2)a. A voluntary quitting of employment requires that an employee exercise a voluntary 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). 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).

Employer has carried its burden of proving claimant's departure from employment was voluntary. However, claimant has not carried his burden of proving the voluntary leaving was for good cause attributable to employer. While claimant had good personal reasons for leaving, these reasons were not attributable to employer and exceeded ten working days. As such the separation from employment was disqualifying and benefits must be denied.

The exact date of separation is unclear and so the administrative law judge defers to the date of separation of March 10, 2020 as determined by the IWD deputy in the March 31, 2022 decision.

DECISION:

The decision dated March 31, 2022 (reference 09) that disqualified claimant from unemployment insurance benefits based on a finding that he voluntarily left employment on March 10, 2020 without a showing of good cause for doing so is **AFFIRMED**. Claimant's separation from employment was disqualifying. Benefits must be denied, and employer's account shall not be charged. This disqualification shall continue until claimant has earned wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is not otherwise disqualified or ineligible.



Andrew B. Duffelmeyer
Administrative Law Judge

May 26, 2022
Decision Dated and Mailed

abd/abd

Note to Claimant:

Individuals who do not qualify for regular unemployment insurance benefits and were unemployed between February 2, 2020, and June 12, 2021 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.** To apply for PUA go to <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-appeals> and click the link in the last paragraph under "WHAT TO EXPECT FROM THE HEARING." **The authorization number is the PIN you used for the hearing.**

If this decision becomes final and you are not eligible for PUA, you may have an overpayment of benefits.