

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KAITLYN FAIRCHILD
Claimant

APPEAL 20A-UI-08227-J1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ENTERPRISE RENT-A-CAR COMPANY
Employer

**OC: 4/12/20
Claimant: Appellant (2)**

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On July 13, 2020, the claimant filed an appeal from the July 1, 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 August 25, 2020. Claimant participated. Employer participated through Becky Houk, Human Resource Consultant.

ISSUE:

Did claimant quit with good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on November 15, 2019. Claimant last worked as a part-time service agent. Claimant was separated from employment on March 24, 2020 when she received an email from her employer that stated that all part-time employees would not be able to work, as the employer was reducing hours due to the Covid-19 pandemic. The claimant's last day physically at work was February 18, 2020. Claimant was on approved leave when she received the layoff notice. Claimant was scheduled to return to her job the first week of April when she received the layoff notice. Claimant has returned to part-time work with the employer as of August 18, 2020.

Ms. Houk testified that claimant was terminated effective May 7, 2020 and the employer believed claimant had moved out of the service area of Pella, Iowa. Claimant testified that she was always willing to work in Pella and would also transfer to a different location if she could come back to work sooner. Claimant credibly testified that she never indicated a desire to quit and that she wanted to work for the employer.

REASONING AND CONCLUSIONS OF LAW:

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)).

The claimant was laid off by her employer as of March 24, 2020. Claimant did not tell the employer she wanted to end the employment relationship. The employer terminated claimant when it mistakenly believed that claimant was not available to work in Pella, Iowa.

Claimant was laid off and she did not quit. There is no evidence of job related misconduct. I find the claimant was laid off for no disqualifiable reason and is eligible for unemployment benefits, provided she meets the other qualifying factors.

DECISION:

Regular Unemployment Insurance Benefits Under State Law

The July 1, 2020, (reference 01) unemployment insurance decision is reversed. Benefits are awarded, provided she is otherwise eligible.



James F. Elliott
Administrative Law Judge

August 28, 2020
Decision Dated and Mailed

je/sam