

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

PAMELA FULTON
Claimant

**IOWA CITY COMMUNITY SCHOOL
DISTRICT**
Employer

APPEAL 21R-UI-01023-JC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/14/20
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant/appellant, Pamela Fulton, filed an appeal from the September 24, 2020 (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits. A first hearing was scheduled for November 23, 2020. Claimant did not appear and the appeal was dismissed. Upon successful request for reopening, the Employment Appeal Board (EAB) remanded the matter for a new hearing.

The parties were properly notified about the hearing. A telephone hearing was held on February 15, 2021. The claimant participated personally. The employer, Iowa City Community School District, participated through Lyndsee Detra, human resources coordinator. The administrative law judge took official notice of the administrative records. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit the employment with good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full-time as a para-professional and was separated from employment on May 29, 2020, when she quit the employment. Continuing work was available.

Claimant has personal health issues which had caused her to miss “a lot” of work during the 2019-2020 school year prior to the COVID-19 pandemic. Claimant last performed work on March 11, 2020. After spring break, employees and students did not return to in person classes due to COVID-19. However, claimant was paid through May 29, 2020.

On May 14, 2020, employer emailed school employees regarding the upcoming school year. The employer informed employees that in the fall, depending on their personal circumstances,

employees could request a leave of absence, FMLA or accommodation based upon the pandemic.

Claimant has health conditions which make her high risk. Her son, who is a minor, also is considered high risk due to having asthma. No doctor advised claimant to quit for her health or her son's health. Claimant did not request a leave of absence or accommodation. On May 29, 2020 employer asked claimant if she intended to return in the fall. Due to the uncertainty with the pandemic and fears of exposing her son, claimant tendered her resignation via email.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily quit without good cause attributable to the employer.

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 claimant has the burden of proof to establish she quit with good cause attributable to the employer, according to Iowa law. "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. Industrial Relations Commission*, 277 So.2d 827 (Fla. App. 1973).

Ordinarily, "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code section 96.2. *O'Brien v. EAB*, 494 N.W.2d 660, 662 (Iowa 1993)(citing *Wiese v. Iowa Dep't of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the element of good faith." *Wiese v. Iowa Dep't of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986) "[C]ommon sense and prudence must be exercised in evaluating all of the circumstances that lead to an employee's quit in order to attribute the cause for the termination." *Id.*

Iowa Admin. Code r. 871-24.25(23) 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:

(23) The claimant left voluntarily due to family responsibilities or serious family needs.

In this case, claimant had personally compelling reasons to quit when she made the choice to quit the employment. Her decision to quit based upon health concerns for herself and her son was not in response to a doctor's advice. The administrative law judge is sympathetic but claimant has not established she quit for a good cause reason attributable to the employer, according to Iowa law. Regular state-funded benefits are denied.

Claimants who do not qualify due to disqualifying separations and are currently unemployed for reasons related to COVID-19, *may* be eligible for Pandemic Unemployment Assistance (PUA). Additional information is below and available online at:
www.iowaworkforcedevelopment.gov/pua-information

DECISION:

The unemployment insurance decision dated September 24, 2020, (reference 01) is affirmed. The claimant voluntarily quit the 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.



Jennifer L. Beckman
Administrative Law Judge
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Iowa Workforce Development
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Des Moines, Iowa 50319-0209
Fax 515-478-3528

February 25, 2021
Decision Dated and Mailed

jlb/kmj

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.

If you do not qualify for regular unemployment insurance benefits due to disqualifying separations and are currently unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** More information about how to apply for PUA is available online at:

www.iowaworkforcedevelopment.gov/pua-information

You may find information about food, housing, and other resources at