

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ALYSSA RUSCH**  
Claimant

**APPEAL 20A-UI-05456-J1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HOLY SPIRIT RETIREMENT HOME**  
Employer

**OC: 04/26/20**  
**Claimant: APPELLANT (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

On June 5, 2020, the claimant filed an appeal from the June 3, 2020, (reference 01) unemployment insurance decision that denied benefits based on a voluntary quit without good cause attributable to the employer. The parties were properly notified about the hearing. A telephone hearing was held on July 2, 2020. Claimant participated. Employer participated through Cheryl Hansen, Human Resources Director and Colette Livingston, Director of Nursing. Exhibits A and B were admitted into the record.

The claimant should review information concerning a separate unemployment program, Pandemic Unemployment Assistance (PUA), discussed at the end of this decision.

**ISSUES:**

Did the claimant 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: Claimant began working for employer on January 6, 2020. Claimant last worked as a full-time Staff Development and Infection Control administrator. Claimant was separated from employment on April 24, 2020 when she submitted her resignation, which was accepted by her employer. (Ex. B)

Claimant has two minor children. The school and day care programs closed and claimant did not have child care available. (Ex. A). Claimant's parents could no longer watch her children and claimant was required to stay at home to care for her children.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Admin. Code r. 871-24.25(17) 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:

(17) The claimant left because of lack of child care


After Covid-19 developed, claimant's children were not in school and she did not have access to daycare for her two children. Claimant had good personal reasons for submitting her resignation, but the quit is not good cause attributable to the employer.

While claimant may not be eligible for regular State of Iowa unemployment insurance benefits, the claimant may be eligible for unemployment insurance benefits that have been made available to claimants under the Coronavirus Aid, Relief, and Economic Security Act ("Cares Act"). The Pandemic Unemployment Assistance ("PUA") section of the Cares Act discusses eligibility for claimants who are unemployed due to the Coronavirus. For claimants who are ineligible for regular unemployment insurance benefits under Iowa Code Chapter 96, they may be eligible under PUA.

*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. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed 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.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.

#### DECISION:

The June 3, 2020, reference 01, decision that denied benefits for voluntary quit is affirmed.



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James F. Elliott  
Administrative Law Judge

July 13, 2020  
Decision Dated and Mailed

je/scn