

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**JEROME CALDERON**  
Claimant

**APPEAL 20A-UI-12209-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CEREBRAL INFOTECH LLC**  
Employer

**OC: 04/19/20**  
**Claimant: Respondent (2)**

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Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment  
Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation Fact-finding Interview  
Public Law 116-136 § 2104(b) – Federal Pandemic Unemployment Compensation

**STATEMENT OF THE CASE:**

On October 5, 2020, Cerebral Infotech, LLC (employer) filed an appeal from the September 29, 2020, reference 02, unemployment insurance decision that allowed benefits based upon the determination Jerome Calderon (claimant) was not discharged for willful or deliberate misconduct. The parties were properly notified about the hearing held by telephone on November 30, 2020. The claimant did not respond to the hearing notice and did not participate. The employer participated through Kimberly Peterson, Office Manager. The employer's Exhibits 1 and 2 were admitted into the record. The administrative law judge took official notice of the administrative record, specifically the claimant's claim history.

**ISSUES:**

Did the claimant voluntarily quit employment with good cause attributable to the employer or did the employer discharge the claimant for job related misconduct?  
Has the claimant been overpaid unemployment insurance benefits and, if so, can the repayment of those benefits to the agency be waived and charged to the employer's account?  
Has the claimant been overpaid Federal Pandemic Unemployment Compensation (FPUC)?

**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 Carpenter beginning on December 16, 2019, and was separated from employment on December 22, 2019, when he quit. That evening, the claimant submitted his resignation via email and stated he was leaving because his wife was pregnant and experiencing complications. The employer had continuing work available for the claimant.

The administrative record reflects that claimant has not received unemployment benefits, since filing a claim with an effective date of April 19, 2020. Kimberly Peterson, Office Manager, was available at the date and time of the scheduled fact-finding interview, but the agency did not call.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer. Benefits are denied.

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.

...

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

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "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. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). In this case, while the claimant's decision to leave employment may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits must be denied.

As the claimant has not received any benefits since filing his claim, the issues of overpayment and participation are moot and the employer's account will not be charged for any subsequent benefits.

**DECISION:**

The September 29, 2020, reference 02 unemployment insurance decision is reversed. The claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. As the claimant has not received any benefits since filing his claim, the issues of overpayment and participation are moot and the employer's account will not be charged for any subsequent benefits.



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Stephanie R. Callahan  
Administrative Law Judge

December 8, 2020  
Decision Dated and Mailed

src/mh

*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, 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>. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits.