

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**KAMERON F PFAFFLE**  
Claimant

**KWIK TRIP INC**  
Employer

**APPEAL 20A-UI-10348-S1-T**

**AMENDED  
ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/05/20  
Claimant: Appellant (4)**

Iowa Code § 96.5-2-a – Discharge for Misconduct  
Iowa Code § 96.5-1 - Voluntary Quit  
Iowa Code § 96.5(1)g - Voluntary Leaving/Requalification  
Iowa Code § 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Kameron Pfaffle (claimant) appealed a representative's August 21, 2020, decision (reference 01) that concluded ineligibility to receive unemployment insurance benefits due to voluntarily quitting with the Kwik Trip (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on October 12, 2020. The claimant participated personally and through Jared Nienhouse, Human Resources Manager at Milkhouse Creamery. The employer participated by Leah Gebel, Store Leader. The administrative law judge took official notice of the administrative file.

**ISSUES:**

The issues include whether the claimant was separated from employment for any disqualifying reason and whether the claimant was able and available for work.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: On June 13, 2019, the employer hired the claimant as a part-time guest service co-worker. He worked a few nights per week from 6:30 to shortly after midnight. He also worked full-time for Milkhouse Creamery from 10:00 a.m. to 6:00 p.m.

Later, Milkhouse Creamery changed the claimant's hours to 6:00 a.m. to 4:00 p.m. On January 2, 2020, the claimant gave the employer two-week's notice that he was quitting. He quit work because he had a full-time job and was working too many hours. Continued work was available with the employer had he not resigned.

Milkhouse Creamery laid the claimant off due to lack of work and the Covid-19 pandemic from April 3, 2020, through April 22, 2020. On April 22, 2020, the claimant returned to part-time work. On May 25, 2020, the claimant returned to full-time work.

The claimant filed for unemployment insurance benefits with an effective date of April 5, 2020. His weekly benefit amount was determined to be \$447.00. The claimant did not receive state unemployment insurance benefits or Federal Pandemic Unemployment Compensation after April 5, 2020. The claimant has earned more than ten times his weekly benefit amount, or \$4,470.00 since his separation with the employer.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work 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.

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). The claimant's intention to voluntarily leave work was evidenced by the claimant's words and actions. The claimant gave his resignation and stopped appearing for work. There was no evidence presented at the hearing of good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer.

Iowa Code section 96.5(1)g provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

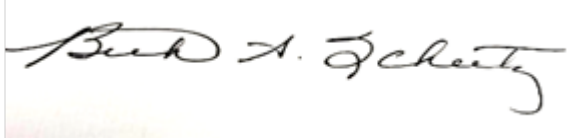
1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department. But the individual shall not be disqualified if the department finds that:

g. The individual left work voluntarily without good cause attributable to the employer under circumstances which did or would disqualify the individual for benefits, except as provided in paragraph "a" of this subsection but, subsequent to the leaving, the individual worked in and was paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

The claimant has requalified for benefits since the separation from this employer. Accordingly, benefits are allowed and the account of the employer shall not be charged.

**DECISION:**

The representative's August 21, 2020, decision (reference 01) is modified in favor of the appellant. The claimant voluntarily left work without good cause attributable to the employer. The claimant has requalified for benefits since the separation. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer shall not be charged.

A handwritten signature in black ink, reading "Beth A. Scheetz", is positioned above a horizontal line.

Beth A. Scheetz  
Administrative Law Judge

October 21, 2020  
Decision Dated and Mailed

bas/scn