

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ONIKEH D. WONTEN
Claimant

APPEAL 20A-UI-06171-BH-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

UPS GROUND FREIGHT, INC.
Employer

OC: 03/29/20
Claimant: Appellant (1)

Iowa Code section 96.5(1) – Voluntary Quit

Iowa Administrative Code rule 871-24.25 – Voluntary Quit Without Good Cause Attributable to the Employer

Iowa Administrative Code rule 871-24.26 – Voluntary Quit With Good Cause Attributable to the Employer

STATEMENT OF THE CASE:

The claimant, Onikeh D. Wonten, appealed the May 8, 2020 (reference 01) unemployment insurance decision that denied benefits based upon a finding Wonten voluntarily quit her job with UPS Ground Freight, Inc. (UPS) without good cause attributable to the employer. The agency properly notified the parties of the appeal and hearing.

The undersigned presided over a telephone hearing on July 13, 2020. Wonten participated personally and testified. Her father, Dariux Wonten, also participated and testified. UPS did not participate.

ISSUES:

Was Wonten's separation from employment with UPS a layoff, discharge for misconduct, or voluntary quit without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the undersigned finds the following facts.

Wonten worked for UPS during the Christmas season. She voluntarily left her employment with UPS to move to Ottumwa and go to school on or about December 30, 2019. In Ottumwa, Wonten got a job while attending classes, but her employer discharged her without giving a reason on or about March 30, 2020. This is why Wonten filed a claim for benefits.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the undersigned concludes Wonten voluntarily left employment with UPS without good cause attributable to the employer under the Iowa Employment Security Law, Iowa Code chapter 96.

Iowa Code section 96.5(1) disqualifies a claimant from benefits if the claimant quit she job without good cause attributable to the employer. The Iowa Supreme Court has held that good cause requires “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). Moreover, the court has advised that “common 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.*

According to the Iowa Supreme Court, good cause attributable to the employer does not require fault, negligence, wrongdoing or bad faith by the employer. *Dehmel v. Emp’t Appeal Bd.*, 433 N.W.2d 700, 702 (Iowa 1988). Good cause may be attributable to “the employment itself” rather than the employer personally and still satisfy the requirements of the Act. *E.g. Raffety v. Iowa Emp’t Sec. Comm’n*, 76 N.W.2d 787, 788 (Iowa 1956).

A burden-shifting framework is used to evaluate quit cases. Because an employer may not know why a claimant quit, the claimant has the initial burden to produce evidence suggesting the claimant is not disqualified from benefits under Iowa Code section 96.5(1) *a* through *j* and section 96.10. If the claimant produces such evidence, the employer has the burden to prove the claimant is disqualified from benefits under section 96.5(1).

Iowa Administrative Code rule 871-24.25 creates a presumption a claimant quit without good cause attributable to the employer in certain circumstances. Iowa Administrative Code rule 871-24.26 identifies reasons for quitting that are considered for good cause attributable to the employer. Under rule 871-24.25(26), a claimant is presumed to have quit without good cause attributable to the employer if the claimant left employment to go to school. And rule 871-24.25(2) states that a claimant is presumed to have quit without good cause attributable to the employer if the claimant left employment to move to different locality.

Here, Wonten left employment with UPS to move to Ottumwa and go to school. Her separation from employment with UPS is therefore a quit without good cause attributable to the employer under Iowa Code section 96.5(1) and rules 871-24.25(2) and 871-24.25(26). Benefits are denied.

DECISION:

Regular Unemployment Insurance Benefits Under State Law

The May 8, 2020 (reference 01) unemployment insurance decision is affirmed. Wonten voluntarily left employment without good cause attributable to UPS. Benefits are withheld until such time as Wonten has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Pandemic Unemployment Assistance (PUA) Under the Federal CARES Act

Even though Wonten is not eligible for regular unemployment insurance benefits under state law, she may be eligible for federally funded unemployment insurance benefits under the CARES Act. Section 2102 of the CARES Act creates a new temporary federal program called Pandemic Unemployment Assistance (PUA) that in general provides up to 39 weeks of unemployment benefits. An individual receiving PUA benefits may also receive the \$600 weekly benefit amount (WBA) under the Federal Pandemic Unemployment Compensation (FPUC) program if Wonten is eligible for such compensation for the week claimed.

This decision does not address whether Wonten is eligible for PUA. For a decision on such eligibility, Wonten must apply for PUA, as noted in the instructions provided in the "Note to Claimant" below.

NOTE TO CLAIMANT:

- This decision determines you are not eligible for regular unemployment insurance benefits under state law. 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 under state law 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.**
- For more information about PUA, go to:

<https://www.iowaworkforcedevelopment.gov/pua-information>

- To apply for PUA, go to:

<https://www.iowaworkforcedevelopment.gov/pua-application>



Ben Humphrey
Administrative Law Judge

August 31, 2020
Decision Dated and Mailed

bh/scn