

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**CESAR E GODINEZ-ARROYO**  
Claimant

**CARUTH CONSTRUCTION IOWA INC**  
Employer

**APPEAL 20A-UI-08346-HP-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/29/20**  
**Claimant: Appellant (3)**

Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.5(2) – Discharge Due to Misconduct

**STATEMENT OF THE CASE:**

Claimant Cesar Godinez-Arroyo filed an appeal from a June 29, 2020 (reference 02) unemployment insurance decision that denied benefits based upon him voluntarily quitting work without good cause attributable to the employer, Caruth Construction Iowa, Inc. (“Caruth”). Notices of hearing were mailed to the parties’ last known addresses of record for a telephone hearing scheduled for August 27, 2020. Godinez-Arroyo appeared and testified. Nicholette Mausser registered a telephone number for the hearing on behalf of Caruth, but was not available and did not call during the hearing. I took administrative notice of the claimant’s unemployment insurance benefits records maintained by Iowa Workforce Development.

**ISSUE:**

Was the separation a layoff, discharge for misconduct or voluntary quit without good cause?

**FINDINGS OF FACT:**

In November 2018, Godinez-Arroyo commenced employment with Caruth. In April 2019, Godinez-Arroyo started his own business. He continued to work for Caruth part-time through October 2019. Godinez-Arroyo has not worked for Caruth since October 2019. He did not resign from Caruth and he was not discharged or laid off by Caruth. Caruth asked him to continue to work part-time after he started his own business.

Covid-19 impacted Godinez-Arroyo’s business and he applied for unemployment benefits. Godinez-Arroyo is seeking Pandemic Employment Assistance benefits based on his self-employment business interruption. A representative of Iowa Workforce Development issued a decision on June 29, 2020, reference 02, finding Godinez-Arroyo voluntarily quit his employment with Caruth on January 15, 2019 for personal reasons. Godinez-Arroyo appealed.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5(1) provides an individual “shall be disqualified for benefits, regardless of the source of the individual’s wage credits: . . . If the individual has left work voluntarily without good cause attributable to the individual’s employer, if so found by the department.” The Iowa

Supreme Court has held a “voluntary quit” means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer.” *Wills v. Emp’t Appeal Bd.*, 447 N.W.2d 137, 138 (Iowa 1989). A voluntary quit requires “an intention to terminate the employment relationship accompanied by an overt act carrying out the intent.” *Peck v. Emp’t Appeal Bd.*, 492 N.W.2d 438, 440 (Iowa Ct. App. 1992). “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).

871 Iowa Administrative Code 24.25(19) and (20) provide:

**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 following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer: . . . .

**24.25(19)** The claimant left to enter self-employment.

**24.25(20)** The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

Godinez-Arroyo started his own business in April 2019. He continued to work for Caruth part-time through October 2019. There is no evidence he quit in January 2019. Godinez-Arroyo testified he has not worked for Caruth since October 2019, and he has been self-employed since that date. Godinez-Arroyo’s period of absence from Caruth has exceeded ten days. I find Godinez-Arroyo left his position with Caruth in October 2019 for self-employment, a compelling personal reason, which is not attributable to Caruth. Benefits are denied.

## **DECISION:**

### **Regular Unemployment Insurance Benefits Under State Law**

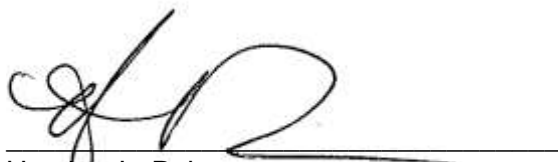
The June 29, 2020 (reference 02) unemployment insurance decision denying unemployment insurance benefits is modified in favor of the respondent/employer. Claimant voluntarily quit her employment with the employer on November 1, 2020. Unemployment insurance benefits are denied until the claimant has worked in and earned wages for insured work equal to ten times the claimant’s weekly benefit amount after the claimant’s separation date, and provided the claimant is otherwise eligible.

### **Pandemic Unemployment Assistance (“PUA”) Under the Federal CARES Act**

As we discussed during the hearing, Godinez-Arroyo is seeking Pandemic Unemployment Assistance benefits due to his personal business interruption as a result of Covid-19. Even though the claimant is not eligible for regular unemployment insurance benefits under state law, the claimant 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 may provide up to 39 weeks of unemployment benefits. An individual receiving PUA benefits may also receive an additional \$600 weekly benefit amount under the Federal Pandemic Unemployment Compensation (“FPUC”) program if the individual is eligible for PUA benefits for the week claimed. The FPUC additional \$600 payment per week ends as of July 25th in Iowa. This means the \$600 weekly additional benefit will stop and at this

time, no extension or change to the program has been made by Congress at this time. This does mean that you will see a corresponding decrease in your weekly benefit amount. The FPUC payments are not a state benefit and Iowa is unable to make any changes to the availability of this benefit. If a change takes place to this benefit in the future, IWD will share on the IWD website and social media. This decision does not address whether the claimant is eligible for PUA. If the claimant wishes to receive PUA benefits, the claimant must apply for PUA, as noted in the instructions provided in the "Note to Claimant" below:

**Note to Claimant:** If this decision determines you are not eligible for regular unemployment insurance benefits and 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>.** This decision denies benefits. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits.



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August 31, 2020  
Decision Dated and Mailed

hlp/sam