

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**HAGOS TEFAY**

Claimant

**TYSON FRESH MEATS INC**

Employer

**APPEAL 20A-UI-08653-HP-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/03/20**

**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.5(2)a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

Claimant Hagos Tesfay filed an appeal from a July 16, 2020 (reference 01) unemployment insurance decision that denied benefits for voluntarily quitting his work with Tyson Fresh Meats Inc. ("Tyson") on January 22, 2020. The parties were properly notified of the hearing. A telephone hearing was held on September 3, 2020. Tigrinya interpreter 6351 from CTS Language Link provided Tigrinya interpretation services during the hearing. Tesfay appeared and testified. Muluberhan Bahre also appeared on Tesfay's behalf. No one appeared on behalf of Tyson. 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:**

On October 14, 2019, Tesfay commenced full-time employment with Tyson. Tesfay developed dizziness and he collapsed at work. He received medical care and the medical provider told him he needed time to adjust. Tesfay left work on January 20, 2020. Tesfay did not obtain a note from a medical provider restricting him from working. He never returned to work. Tesfay reported he planned to return to work after a month, but then Covid-19 developed and he did not return to work.

**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). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). The employer has the burden of proving that a claimant’s departure from employment was voluntary. *Irving v. Emp’t Appeal Bd.*, 883 N.W.2d 179 (Iowa 2016).

871 Iowa Administrative Code -24.25(20) 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: . . . .

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

Tesfay testified he left work because he was having problems with dizziness. No physician or medical provider restricted him from working or reported his condition was caused by his work with Tyson. After a month, Tesfay considered returning to work, but he did not given Covid-19. After Tesfay left work on January 20, 2020, he never returned to work. Tesfay testified he quit his employment with Tyson. I find Tesfay quit for compelling personal reasons and that the period of absence exceeded ten working days. I do not find Tesfay voluntarily quit with good cause attributable to Tyson. Benefits are denied.

## **DECISION:**

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


The July 16, 2020 (reference 01) unemployment insurance decision denying unemployment insurance benefits is affirmed. Claimant voluntarily quit the claimant’s employment with the employer on January 22, 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**

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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September 3, 2020  
Decision Dated and Mailed

hlp/scn