

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BETH M. FOREMAN
Claimant

**CENTRAL IOWA HOPSITAL
CORPORATION**
Employer

APPEAL 20A-UI-09835-BH-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/26/20
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, Beth M. Foreman, appealed the August 12, 2020 (reference 01) unemployment insurance decision that denied benefits based upon a finding Foreman voluntary quit her job with Central Iowa Hospital Corporation (CIHC) 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 September 23, 2020. Foreman participated personally and testified. CIHC participated through Barb Owca, who testified.

ISSUES:

Was Foreman's separation from employment with CIHC 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.

CIHC hired Foreman on September 29, 2009. She worked full time as a unit clerk. Foreman retired effective January 16, 2020. She loved her job, but the time was right for her to retire.

After Foreman retired from CIHC, she worked part time as a teller at Prairie Meadows Race Track and Casino. Prairie Meadows laid staff off in mid-March because the COVID-19 pandemic hit Iowa. Prairie Meadows paid Foreman into April based on a formula that took into account her hours worked. When Prairie Meadows ceased these payments, Foreman filed an

initial claim for regular unemployment insurance benefits under state law. Later, Foreman also applied for Pandemic Unemployment Assistance (PUA) under the federal CARES act.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the undersigned concludes Foreman voluntarily left employment with CIHC 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 the 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(24), it is presumed the claimant voluntarily quit without good cause attributable to the employer if the claimant retired when she could have continued working.

Here, the evidence shows that Foreman retired from CIHC when she could have kept working. She therefore voluntarily quit without good cause attributable to the employer under Iowa Code section 96.5(1) and rule 871-24.25(24). Foreman is therefore disqualified from benefits from the date of her retirement, January 16, 2020, until she earns ten times her weekly benefit amount (WBA) in taxable wages.

This decision does not address whether Foreman might be entitled to PUA under the federal CARES Act. The agency will make a separate determination on that question, which Foreman will have the right to appeal if she disagrees with it.

DECISION:

Regular Unemployment Insurance Benefits Under State Law

The August 12, 2020 (reference 01) unemployment insurance decision is affirmed. Foreman voluntarily left employment without good cause attributable to CIHC. Benefits are withheld until such time as Foreman has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible under the law.

Pandemic Unemployment Assistance (PUA) Under the Federal CARES Act

Even though Foreman 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. This decision does not address whether Foreman is eligible for PUA. The agency will issue a determination regarding Foreman's eligibility for PUA. Foreman will have the right to appeal that determination. More information about PUA is available at:

www.iowaworkforcedevelopment.gov/pua-information



Ben Humphrey
Administrative Law Judge

September 29, 2020
Decision Dated and Mailed

bh/mh