

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

URIEL SANCHEZ
Claimant

THRIVE TOGETHER LLC
Employer

APPEAL 20A-UI-07323-J1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 04/12/20
Claimant: APPELLANT (2)**

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On June 30, 2020, the claimant filed an appeal from the June 26, 2020, (reference 01) unemployment insurance decision that denied benefits based on voluntary quit without good cause. The parties were properly notified about the hearing. A telephone hearing was held on August 5, 2020. Claimant participated. Employer did not participate. Exhibit A was admitted into the record.

ISSUE:

Did claimant quit employment with good cause attributable to her employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on in the summer of 2016 or 2017 as part time wait staff at an Applebee's in Clive Iowa. Claimant last worked as a full-time wait staff until the restaurant closed due to an Covid-19 order from the governor. The Applebee's' store did not reopen when restaurants were allowed to reopen. Claimant was of on a vacation for two weeks starting January 31, 2020. Claimant returned to work and worked until the restaurant closed in March 2020. Claimant provided his bank statement that showed he received wages from the employer in January, 2020, February 2020 and March 2020. (Ex. A) There is no evidence claimant quit his job or committed job related misconduct.

REASONING AND CONCLUSIONS OF LAW:

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). "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". Id. (citing *Cook v. Iowa Dept. of Job Service*, 299 N.W.2d 698, 701 (Iowa 1980)).

The employer offered no evidence that claimant's departure from work was voluntary. The claimant offered credible evidence that he did not quit and was employed until the employer closed the business. There is no evidence claimant committed misconduct. Claimant was terminated for no disqualifiable reason.

DECISION:

Regular Unemployment Insurance Benefits Under State Law

The June 26, 2020, (reference 01) unemployment insurance decision is reversed. Benefits are awarded, provided he is otherwise eligible.



James F. Elliott
Administrative Law Judge

August 10, 2020
Decision Dated and Mailed

je/scn