

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ANDI ZENKOVIC

Claimant

APPEAL 20A-UI-06720-J1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

RANDSTAD US LLC

Employer

OC: 04/05/20

Claimant: APPELLANT (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On June 22, 2020, the claimant filed an appeal from the June 12, 2020, (reference 01) unemployment insurance decision that denied benefits based on voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on July 28, 2020. Claimant participated. Employer participated through Danielle Wood Market Manager. Exhibit, a statement by the claimant and four emails were admitted as Exhibit A.

ISSUES:

Did claimant have good cause to quit employment?

Did claimant commit job related misconduct?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer in December, 2018. Claimant last worked as a full-time Loan Servicing Specialist. The employer is an employment agency. Claimant was placed at Wells Fargo in a Temp-to-Hire position. Claimant was separated from employment on April 7, 2020, when he had a personal medical emergency with his family and walked off his assignment at Wells Fargo. (Ex. A, p. 1). Claimant did not inform his employer or Wells Fargo why he was leaving at the time he left employment. At 1:44 p.m. Ronni Bopes, claimant's supervisor, emailed claimant asking if he was OK and requesting that claimant contact her. (Ex. A, p. 2) On April 8, 2020 claimant responded to Ms. Bopes' email and told her he would need some time off. (Ex. A, p. 3) Ms. Bopes responded to claimant on April 8, 2020 and asked claimant to contact her or Ms. Wood to talk on the phone. Ms. Bopes stated that the employer wanted to protect his job at Wells Fargo. (Ex. A, p. 4). On April 9, 2020 claimant emailed Ms. Bopes and told her he did not have a phone and could not provide any further details. (Ex. A, p. 5) This was the last communication claimant had with his employer. Claimant has not requested another job assignment.

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:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

Iowa Admin. Code r. 871-24.25(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:

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

Claimant had compelling personal reasons for leaving work. Claimant was gone more than ten days from his employment, his employer assumed he had abandoned his job. I find that claimant did not have good cause attributable to his employer for quitting his employment.

DECISION:

Regular Unemployment Insurance Benefits Under State Law

The June 12, 2020, (reference 01) unemployment insurance decision is affirmed. Benefits are withheld until such time as claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Pandemic Unemployment Assistance (PUA) Under the Federal CARES Act

Even though claimant is not eligible for regular unemployment insurance benefits under state law, 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 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 he or she is eligible for such compensation for the week claimed. This decision does not address when claimant is eligible for PUA. For a decision on such eligibility, claimant 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 how to apply for PUA, go to:

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



James F. Elliott
Administrative Law Judge

August 3, 2020
Decision Dated and Mailed

je/scn