

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**PENNY L TAYLOR**

Claimant

**NORDSTROM INC**

Employer

**APPEAL 20A-UI-05635-HP-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/05/20**

**Claimant: Appellant (2)**

Iowa Code § 96.6(2) – Timeliness of Appeal  
Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.5(2) – Discharge Due to Misconduct

**STATEMENT OF THE CASE:**

Claimant Penny Taylor filed an appeal from a February 20, 2020 (reference 03) unemployment insurance decision that denied benefits based upon her voluntarily quitting work without good cause attributable to the employer, Nordstrom Inc. (“Nordstrom”) Notices of hearing were mailed to the parties’ last known addresses of record for a telephone hearing scheduled for July 1, 2020. Taylor appeared and testified. No one appeared on behalf of Nordstrom. I took administrative notice of Taylor’s unemployment insurance benefits records maintained by Iowa Workforce Development.

**ISSUE:**

Did the claimant voluntarily quit the employment with good cause attributable to the employer?

**FINDINGS OF FACT:**

Nordstrom hired Taylor as a full-time, temporary, seasonal employee from November 23, 2019 through January 6, 2020. On December 23, 2019, Taylor’s supervisor came to her and told her Nordstrom would not need her services after that day. He told Taylor she could leave early that day, or stay for the rest of the day. Taylor decided to remain for the rest of the day. Taylor had a headache and went to her locker to take a pain reliever. Taylor discovered her wallet had disappeared from her locker. Taylor went to her car to look for her wallet. She could not find it. Taylor was in a panic and she went home. Taylor called Nordstrom and stated she would not be returning that day. Her supervisor told her she could apply for seasonal work the next year.

Taylor denied receiving a copy of the February 20, 2020, decision, reference 03. She reported she has problems with her mail. Taylor contacted the agency in June 2020 and discovered she had a decision from February 2020 that had not been appealed. Taylor filed an appeal.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.6(2) provides:

A representative designated by the director shall promptly notify all interested parties to the claim of its filing, and the parties have ten days from the date of mailing the notice of the filing of the claim by ordinary mail to the last known address to protest payment of benefits to the claimant. The representative shall promptly examine the claim and any protest, take the initiative to ascertain relevant information concerning the claim, and, on the basis of the facts found by the representative, shall determine whether or not the claim is valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and its maximum duration, and whether any disqualification shall be imposed. . . . Unless the claimant or other interested party, after notification or within ten calendar days after notification was mailed to the claimant's last known address, files an appeal from the decision, the decision is final and benefits shall be paid or denied in accordance with the decision. . . .

The ten calendar days for appeal begins running on the mailing date. The "decision date" found in the upper right-hand portion of the representative's decision is presumptive evidence of the date of mailing, unless otherwise corrected immediately below that entry. *Gaskins v. Unemployment Compensation Bd. of Rev.*, 429 A.2d 138 (Pa. Comm. 1981); *Johnson v. Bd. of Adjustment*, 239 N.W.2d 873 (Iowa 1976). Taylor denied receiving a copy of the decision from Iowa Workforce Development. Taylor testified she has had problems with her mail and she filed her appeal after being notified of the decision when she called Iowa Workforce Development. I find her appeal was timely under the facts of this case.

871 Iowa Administrative Code 24.1(113) provides:

*Separations.* All terminations of employment, generally classifiable as layoffs, quits, discharges, or other separations.

a. *Layoffs.* A layoff is a suspension from pay status initiated by the employer without prejudice to the worker for such reasons as: lack of orders, model changeover, termination of seasonal or temporary employment, inventory-taking, introduction of laborsaving devices, plant breakdown, shortage of materials; including temporarily furloughed employees and employees placed on unpaid vacations.

b. *Quits.* A quit is a termination of employment initiated by the employee for any reason except mandatory retirement or transfer to another establishment of the same firm, or for service in the armed forces.

c. *Discharge.* A discharge is a termination of employment initiated by the employer for such reasons as incompetence, violation of rules, dishonesty, laziness, absenteeism, insubordination, failure to pass probationary period.

d. *Other separations.* Terminations of employment for military duty lasting or expected to last more than 30 calendar days, retirement, permanent disability, and failure to meet the physical standards required.

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 24.26(19) and (22) provide:

**Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits.** The following are reasons for a claimant leaving employment with good cause attributable to the employer:

**24.26(19)** The claimant was employed on a temporary basis for assignment to spot jobs or casual labor work and fulfilled the contract of hire when each of the jobs was completed. An election not to report for a new assignment to work shall not be construed as a voluntary leaving of employment. The issue of a refusal of an offer of suitable work shall be adjudicated when an offer of work is made by the former employer. The provisions of Iowa Code section 96.5(3) and rule 871—24.24(96) are controlling in the determination of suitability of work. . . .

**24.26(22)** The claimant was hired for a specific period of time and completed the contract of hire by working until this specific period of time had lapsed. . . .

Taylor testified she did not resign from Nordstrom. Nordstrom laid off Taylor on December 23, 2019, before the end of the specific period of her contract of hire, due to a lack of work. Taylor's separation from employment was for good cause attributable to the employer. Benefits are allowed, provided she is otherwise eligible.

**DECISION:**

The February 20, 2020 (reference 03) unemployment insurance decision denying unemployment insurance benefits is reversed in favor of the claimant/appellant. Benefits are allowed, provided the claimant is otherwise eligible.

  
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Heather L. Palmer  
Administrative Law Judge  
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Iowa Workforce Development  
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July 14, 2020  
\_\_\_\_\_  
Decision Dated and Mailed

hlp/sam