

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RARCHELLE L NOYE
Claimant

CEDAR RAPIDS IA HOMECARE LLC
Employer

APPEAL 21A-UI-17884-DB-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/18/21
Claimant: Appellant (1R)

Iowa Code § 96.5(1) – Voluntary Quitting of Work

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the August 10, 2021 (reference 02) unemployment insurance decision that denied benefits to the claimant based upon a voluntarily quitting work. The parties were properly notified of the hearing. A telephone hearing was held on October 6, 2021. The claimant participated personally. The employer did not participate. The administrative law judge took official notice of the claimant's unemployment insurance benefits records.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for this employer as a part-time home health aide beginning in April of 2018. On or about October of 2020, claimant came in close contact with a person residing in her household who tested positive for COVID-19. Claimant quarantined for approximately two weeks and then decided to enter into self-employment as a delivery driver in order to limit possible exposure to COVID-19 in the future.

Claimant's administrative records establish that she may have been paid ten times her weekly-benefit amount after her separation with this employer from another employer, Debristech LLC. The issue of whether the claimant has been paid sufficient wages to requalify for benefits is remanded to the Benefits Bureau for an initial investigation and determination.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code §96.5(1) provides:

An individual shall be disqualified for benefits:

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.

Claimant had an intention to quit and carried out that intention by failing to return to work for any further shifts. As such, claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "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).

Iowa Admin. Code r. 871-24.25(19) 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:

- (19) The claimant left to enter self-employment.

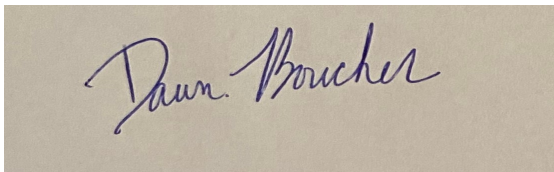
In this case, the claimant voluntarily quit her employment with this employer in order to enter into self-employment as a delivery driver. As such, the separation from employment is disqualifying and unemployment insurance benefits funded by the State of Iowa must be denied effective her separation from employment with this employer.

DECISION:

The August 10, 2021 (reference 02) unemployment insurance decision is affirmed. Claimant voluntarily quit employment without good cause attributable to the employer. Unemployment insurance benefits funded by the State of Iowa are denied until the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount after her separation date, and provided she is otherwise eligible.

REMAND:

The issue of whether the claimant has been paid sufficient wages to requalify for benefits is remanded to the Benefits Bureau for an initial investigation and determination as she was paid wages from DebrisTech LLC after her separation from employment with this employer.

A rectangular area containing a handwritten signature in blue ink that reads "Dawn Boucher". The signature is written in a cursive style on a light-colored, textured background.

Dawn Boucher
Administrative Law Judge

October 8, 2021
Decision Dated and Mailed

db/kmj