

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KYLE V GREELIS
Claimant

HOME DEPOT USA INC
Employer

APPEAL 20A-UI-10383-J1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 4/19/20
Claimant: Appellant (2)**

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On August 29, 2020, the claimant filed an appeal from the August 26, 2020, (reference 03) unemployment insurance decision that denied benefits based on No Call/No Show. The parties were properly notified about the hearing. A telephone hearing was held on October 14, 2020. Claimant participated and called Melanie Briggs and Pam Briggs as witnesses. Employer did not participate. Exhibits A and B were admitted into the record.

ISSUE:

Did claimant's employment end for an unemployment insurance disqualifiable reason?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer in January, 2020. Claimant last worked as a full-time garden assistant. Claimant was separated from employment on March 32, 2020. The employer asserted claimant was a three day no call.

Claimant testified that in March 2020 his fiancée, Melanie Briggs contracted Covid-19. Claimant also contracted Covid-19. Claimant informed his employer and was not allowed to report to work. (Ex. B) Claimant was told that he could not return to work until he had a note from his doctor allowing him to return to work at that time due to restrictions ordered by the Governor of Iowa. Non-emergency patients in March, April and May were not being seen by doctors. Claimant tried to get a return to work note and the soonest he could obtain one was in late April 2020. Claimant informed his employer of his efforts to obtain the doctors note. Both Pam Briggs and Melanie Briggs confirmed that claimant contacted his employer about his Covid-19 and his attempts to obtain a return to work note. When claimant attempted to provide the note to his employer from his doctor, he was informed he had been fired.

REASONING AND CONCLUSIONS OF LAW:

Iowa unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code §§ 96.5(1) and 96.5(2)a. The burden of proof rests with the employer to show that the claimant voluntarily left his employment. *Irving v. Emp't Appeal Bd.*, 883 N.W.2d 179 (Iowa 2016). A voluntary quitting of employment requires that an employee exercise a voluntary choice between remaining employed or terminating the employment relationship. *Wills v. Emp't Appeal Bd.*, 447 N.W.2d 137, 138 (Iowa 1989); *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438, 440 (Iowa Ct. App. 1992).

There is no evidence that claimant wanted to leave his employment. The claimant informed his employer of his health status and was diligent in obtaining his return to work note. I find that claimant was terminated for no disqualifiable reason.

DECISION:

Regular Unemployment Insurance Benefits Under State Law

The August 26, 2020, (reference 03) unemployment insurance decision is reversed. Benefits are payable, provided claimant is otherwise eligible.



James F. Elliott
Administrative Law Judge

October 16, 2020
Decision Dated and Mailed

je/sam