

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**TISHA R. FIELD**  
Claimant

**APPEAL 20A-UI-10379-BH-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BROADLAWNS MEDICAL CENTER**  
Employer

**OC: 06/07/20**  
**Claimant: Appellant (2)**

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Iowa Code section 96.5(1) – Voluntary Quit

Iowa Administrative Code rule 871-24.25 – Voluntary Quit Without Good Cause Attributable to the Employer

Iowa Administrative Code rule 871-24.26 – Voluntary Quit With Good Cause Attributable to the Employer

**STATEMENT OF THE CASE:**

The claimant, Tisha R. Field, appealed the August 14, 2020 (reference 01) unemployment insurance decision that denied benefits based upon a finding Field voluntarily quit her job with Broadlawns Medical Center (Broadlawns) without good cause attributable to the employer. The agency properly notified the parties of the appeal and hearing.

The undersigned presided over a telephone hearing on October 12, 2020. Field participated personally and through attorney Mark Hedberg. Field testified. Broadlawns did not participate. Claimant's Exhibits A through F were admitted into evidence.

**ISSUE:**

Was Field's separation from employment with Broadlawns a layoff, discharge for misconduct, or voluntary quit without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the undersigned finds the following facts.

Broadlawns hired Field on May 13, 2013. She worked full time as a pharmacist. On June 4, 2020, Field resigned.

On June 1, 2020, Field posted on social media about a feed from a local newscast. Other individuals watching the feed and commenting took offense. They took a screenshot of Field's comments and sent it to Broadlawns.

On June 2, 2020, Broadlawns instructed Field to remove the comment even though it is unclear how, if at all, the comment violated the Broadlawns social media policy. She did as instructed.

Broadlawns placed Field on administrative leave on June 3, 2020. Broadlawns gave Field the choice to resign or be discharged during a meeting on June 4, 2020. In response to the ultimatum, Field resigned.

#### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the undersigned concludes Field voluntarily left employment with Broadlawns without good cause attributable to the employer under the Iowa Employment Security Law, Iowa Code chapter 96.

Iowa Code section 96.5(1) disqualifies a claimant from benefits if the claimant quit she job without good cause attributable to the employer. The Iowa Supreme Court has held that good cause requires “real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the element of good faith.” *Wiese v. Iowa Dep’t of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). Moreover, the court has advised that “common sense and prudence must be exercised in evaluating all of the circumstances that lead to an employee’s quit in order to attribute the cause for the termination.” *Id.*

According to the Iowa Supreme Court, good cause attributable to the employer does not require fault, negligence, wrongdoing or bad faith by the employer. *Dehmel v. Emp’t Appeal Bd.*, 433 N.W.2d 700, 702 (Iowa 1988). Good cause may be attributable to “the employment itself” rather than the employer personally and still satisfy the requirements of the Act. *E.g. Raffety v. Iowa Emp’t Sec. Comm’n*, 76 N.W.2d 787, 788 (Iowa 1956).

A burden-shifting framework is used to evaluate quit cases. Because an employer may not know why a claimant quit, the claimant has the initial burden to produce evidence suggesting the claimant is not disqualified from benefits under Iowa Code section 96.5(1) a through j and section 96.10. If the claimant produces such evidence, the employer has the burden to prove the claimant is disqualified from benefits under section 96.5(1).

Iowa Administrative Code rule 871-24.25 creates a presumption a claimant quit without good cause attributable to the employer in certain circumstances. Iowa Administrative Code rule 871-24.26 identifies reasons for quitting that are considered for good cause attributable to the employer. Under rule 871-24.26(21), the claimant being “compelled to resign when given the choice of resigning or being discharged” is not considered a voluntary leaving of employment.

Here, the evidence shows that Field made a social media post about which individuals complained to Broadlawns. After initially asking Field to remove the post, which she did, Broadlawns placed her on administrative leave and then gave her the choice: resign or be fired. Field chose to resign.

Thus, the evidence establishes Field was compelled to resign when Broadlawns gave her the choice of resigning or being fired. Field therefore did not voluntarily leave employment with Broadlawns under Iowa Code section 96.5(1) and rule 871-24.26(21). Benefits are allowed, provided Field is otherwise eligible.

**DECISION:**

The August 14, 2020 (reference 01) unemployment insurance decision is reversed. Field did not voluntarily leave employment with Broadlawns. Benefits are allowed, provided Field is otherwise eligible. All benefits withheld due to the August 14, 2020 (reference 01) decision shall be paid.



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Ben Humphrey  
Administrative Law Judge

October 14, 2020  
Decision Dated and Mailed

bh/scn