

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KASSIE RENSHAW

Claimant

MIDWEST HOMESTEAD OF MASON CITY

Employer

APPEAL NO. 20R-UI-07946-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/05/20

Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated May 13, 2020, reference 01, which held claimant ineligible for unemployment insurance benefits. This matter was previously appealed and the ALJ found claimant eligible for benefits. Employer appealed to the EAB who remanded this matter back for rehearing as employer claimed they did not receive notice of hearing. After due notice, a hearing was scheduled for and held on August 18, 2020. Claimant participated and had witness Olivia Burtis. Employer participated by Susan Wiley, LeeAnn Hogg.

ISSUES:

Whether claimant quit for good cause attributable to employer?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on March 24, 2020.

Claimant worked as a full time certified medical assistant for employer. Claimant had an argument and a fight with her husband on March 24-25, 2020. She was very disheveled. On March 25, 2020 claimant brought her shirts and her badge to employer and told a coworker that she was quitting her employment. She did not speak with the director when she tried to call. Claimant went out of state for a period of time and her employer attempted on numerous times to be in touch with claimant.

Not only did claimant have difficulties with her home life, but when she went up to the family's farm in Minnesota, her father had a heart attack. At the time of this occurrence, claimant was not in touch with employer for a number of days.

The next time claimant was in touch with employer was on April 2, 2020. At that time employer told claimant that her resignation had been accepted and she no longer had a job.

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.

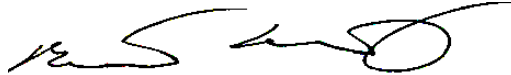
The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she was distraught about a marital problem she was forced to endure.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.* Here, claimant's act of quitting occurred as a result of a personal reason. Employer attempted after this action to provide support for claimant, but claimant did not stay in contact with employer. Even if claimant was seen to have not quit on March 25, 2020, she missed a number of days of work without staying in contact with employer about the days missed. Three no call / no show absences is another reason for an employer to interpret a voluntary quit.

Note to Claimant: Even though claimant is not eligible for regular unemployment insurance benefits under state law, she may be eligible for federally funded unemployment insurance benefits under the Coronavirus Aid, Relief, and Economic Security Act ("Cares Act"), Public Law 116-136. 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. **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.

DECISION:

The decision of the representative dated May 13, 2020, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.



Blair A. Bennett
Administrative Law Judge

August 24, 2020
Decision Dated and Mailed

bab/scn