

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ZACHARY O LABARGE
Claimant

SECURITY COVERAGE INC
Employer

APPEAL 21A-UI-03937-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 10/04/20
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant/appellant, Zachary O. Labarge, filed an appeal from the January 21, 2021 (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on April 1, 2021. The claimant participated. The employer did not respond to the notice of hearing to furnish a phone number with the Appeals Bureau and did not participate in the hearing.

The administrative law judge took official notice of the administrative records. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

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: The claimant was employed full-time as Tier 3 Tech Support and was separated from employment on October 6, 2020.

When claimant was hired, he was required to work on site. Due to COVID-19, employees moved to remote/tele-working. Claimant has a son who attended daycare and due to the pandemic, the childcare had closed multiple times for two weeks, whenever there was an outbreak. Employer was aware that claimant was keeping his son home with him and still continuing to work. Claimant did not request a leave of absence for these periods of his son being at home with him, because he needed to work to make money.

Employer communicated with claimant that if his computer broke or was not working, he was expected to come into the office to have it fixed. This upset claimant because he had his son at home. The final incident for the claimant was being directed to come into the office when his computer was broken. Claimant was upset because he had to find childcare for his son and

then the IT person did not show up as planned. Claimant told the employer "he was done" and left his computer on site.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

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.

Iowa Admin. Code r. 871-24.25(23) 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:

(23) The claimant left voluntarily due to family responsibilities or serious family needs.

The claimant has the burden of proof to establish he quit with good cause attributable to the employer, according to Iowa law. "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. Industrial Relations Commission*, 277 So.2d 827 (Fla. App. 1973).

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. Iowa Dep't 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 element of good faith." *Wiese v. Iowa Dep't of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986) "[C]ommon 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."

In this case, claimant was hired to work in-person at the employer's job site. Due to COVID-19, claimant was permitted to work from home. However, employer reasonably expected claimant would come to the office when directed or needed, such as when his work computer was not working, and prevented him from completing his job.

Claimant quit the employment by leaving his computer at the job site and saying "I'm done" because he was frustrated that he had to seek out childcare for his son, whose daycare was

closed due to a COVID-19 outbreak. Employer had already communicated to claimant that having his son home and being his childcare provider while working was not "ideal" (as claimant reasonably would not have been able to give his full-attention to work).

Claimant did not take steps to preserve his employment such as request a leave of absence to care for his son and not be obligated to perform work duties (which could include visiting the office). Claimant may have had compelling personal reasons to quit the employment, but his reason (lack of childcare) was not a good cause reason attributable to the employer, according to Iowa law. Benefits are denied.

While claimant does not qualify for regular unemployment insurance benefits, if he was unemployed for reasons related to COVID-19, he may qualify for Pandemic Unemployment Assistance (PUA). More information about how to apply for PUA is available online at: www.iowaworkforcedevelopment.gov/pua-information

DECISION:

The unemployment insurance decision dated January 21, 2021, (reference 01) is affirmed. Claimant quit the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.



Jennifer L. Beckman
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April 5, 2021
Decision Dated and Mailed

jlb/scn