

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**ASIA RANDOLPH**  
Claimant

**TODD'S BBI INTERNATIONAL INC**  
Employer

**APPEAL 20A-UI-07802-HP-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/29/20**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.5(2)a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

Claimant Asia Randolph filed an appeal from a July 7, 2020 (reference 01) unemployment insurance decision that denied benefits for voluntarily quitting her work with Todd's BBI International Inc. ("Todd's") on March 11, 2020. The parties were properly notified of the hearing. A telephone hearing was held on August 14, 2020. Randolph appeared and testified. Jenny Hansen appeared and testified on behalf of Todd's. I took administrative notice of the claimant's unemployment insurance benefits records maintained by Iowa Workforce Development.

**ISSUE:**

Was the separation a layoff, discharge for misconduct or voluntary quit without good cause?

**FINDINGS OF FACT:**

Hansen commenced full-time employment as a production worker with Todd's on December 10, 2018. Hansen's brother, Terrance Brown, was her immediate supervisor. Her mother, Debbie Brown, also worked for Todd's. Todd's is a food manufacturer.

Aldo offered Hansen a full-time job where her earnings were more than what she was earning at Todd's. Hansen accepted the Aldo position and commenced work there on or about March 5, 2020. Hansen spoke with her brother/supervisor and Hansen about her new position and requested to work part-time for Todd's while working full-time for Aldo. Hansen and her brother approved her request to work part-time.

Hansen was on vacation in March 2020 and returned to the office on March 21, 2020. When she returned, Terrance Brown told her Randolph had quit. Hansen asked Terrance Brown to obtain a written resignation from his sister; he did not.

Randolph testified Terrance Brown called her and her mother in March and told them they were being laid off. Hansen testified Todd's is an essential service provider during the pandemic and no employees have been subject to layoff. Todd's has been hiring. This conflicting testimony raises an issue of credibility. During the hearing I assessed the credibility of Randolph and

Hansen by considering whether their testimony was reasonable and consistent with other evidence I believe, whether they had made inconsistent statements, their “appearance, conduct, memory and knowledge of the facts,” and their interest in the case. *State v. Frake*, 450 N.W.2d 817, 819 (Iowa 1990). Randolph has an obvious interest in this case given she is seeking unemployment benefits. Hansen also has an interest in this case given she works for Todd’s. I do not find Randolph’s testimony that her brother, Terrance Brown, laid off Randolph and their mother. Hansen testified Todd’s is a food manufacturer and an essential service during the pandemic. Todd’s has been hiring throughout the pandemic. Hansen reported Terrance Brown and Debbie Brown still work for Todd’s. I find Randolph told her brother/supervisor that she was resigning. I do not believe that he told her she was laid off.

### **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: . . . If the individual has left work voluntarily without good cause attributable to the individual’s employer, if so found by the department.” The Iowa Supreme Court has held a “voluntary quit” means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer.” *Wills v. Emp’t Appeal Bd.*, 447 N.W.2d 137, 138 (Iowa 1989). A voluntary quit requires “an intention to terminate the employment relationship accompanied by an overt act carrying out the intent.” *Peck v. Emp’t Appeal Bd.*, 492 N.W.2d 438, 440 (Iowa Ct. App. 1992). “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). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). The employer has the burden of proving that a claimant’s departure from employment was voluntary. *Irving v. Emp’t Appeal Bd.*, 883 N.W.2d 179 (Iowa 2016).

871 Iowa Administrative Code -24.25 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.

Randolph accepted and secured a full-time job with Aldo when she was working for Todd’s. She asked Todd’s if she could reduce her hours to part-time. Hansen and her brother/supervisor, Terrance Brown, approved her request. Randolph testified she was laid off. As noted above, I do not find her testimony that she was laid off credible. I find Randolph told her brother/supervisor, Terrance Brown, she was quitting on March 11, 2020. Terrance Brown told Hansen Randolph’s last day of work was March 11, 2020, and that she had quit. Hansen testified continuing work was available to Randolph and that her performance was good. Randolph did not report her working conditions were unsafe, intolerable, or detrimental, causing her to resign. I find Randolph voluntarily quit her employment with Todd’s without good cause attributable to Todd’s. Benefits are denied.

### **DECISION:**

#### **Regular Unemployment Insurance Benefits Under State Law**

The July 7, 2020 (reference 01) unemployment insurance decision denying unemployment insurance benefits is affirmed. Claimant voluntarily quit the claimant’s employment with the

employer on March 11, 2020. Unemployment insurance benefits are denied until the claimant has worked in and earned wages for insured work equal to ten times the claimant's weekly benefit amount after the claimant's separation date, and provided the claimant is otherwise eligible.

### **Pandemic Unemployment Assistance ("PUA") Under the Federal CARES Act**

Even though the claimant is not eligible for regular unemployment insurance benefits under state law, the claimant may be eligible for federally funded unemployment insurance benefits under the CARES Act. Section 2102 of the CARES Act creates a new temporary federal program called Pandemic Unemployment Assistance ("PUA") that may provide up to 39 weeks of unemployment benefits. An individual receiving PUA benefits may also receive an additional \$600 weekly benefit amount under the Federal Pandemic Unemployment Compensation ("FPUC") program if the individual is eligible for PUA benefits for the week claimed. The FPUC additional \$600 payment per week ends as of July 25th in Iowa. This means the \$600 weekly additional benefit will stop and at this time, no extension or change to the program has been made by Congress at this time. This does mean that you will see a corresponding decrease in your weekly benefit amount. The FPUC payments are not a state benefit and Iowa is unable to make any changes to the availability of this benefit. If a change takes place to this benefit in the future, IWD will share on the IWD website and social media. This decision does not address whether the claimant is eligible for PUA. If the claimant wishes to receive PUA benefits, the claimant must apply for PUA, as noted in the instructions provided in the "Note to Claimant" below:

**Note to Claimant:** If this decision determines you are not eligible for regular unemployment insurance benefits and you disagree with this decision, you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance ("PUA"). **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>.** This decision denies benefits. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits.



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August 21, 2020  
Decision Dated and Mailed

hlp/sam