

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**ALEXIS VAN BLAIR**  
Claimant

**THRIVE TOGETHER LLC**  
Employer

**APPEAL NO. 21A-UI-08006-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/10/20**  
**Claimant: Appellant (1R)**

Iowa Code Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant, Alexis Van Blair filed a timely appeal from the March 8, 2021, reference 01, decision that disqualified the claimant for benefits and that stated the employer's account would not be charged for benefits, based on the deputy's conclusion that the claimant voluntarily quit on December 6, 2019 without good cause attributable to the employer. After due notice was issued, a hearing was held on June 1, 2021. The claimant participated. John O'Fallon of UC Advantage represented the employer and presented testimony through Rachel McCullough. The administrative law judge took official notice of the WAGE-A record (quarterly wage reports).

**ISSUE:**

Whether the claimant's voluntary quit was for good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed by Thrive Together, L.L.C., doing business as Carlos O'Kelly's as a part-time server from 2017 until December 6, 2019, when the claimant voluntarily quit to relocate to West Des Moines. The claimant worked for this employer in Cedar Falls while she attending college. The claimant is from the West Des Moines area. At the time the claimant left the employment, she was scheduled to start an unpaid student teaching assignment with the West Des Moines Community School District in early January 2020. The claimant relocated to Des Moines and began the student teaching assignment as scheduled. At the time the claimant separated from this employer, the employer continued to have work available to the claimant.

During same period during which the claimant was a part-time employee of Carlos O'Kelly's she also worked for the West Des Moines Community School District off-and-on as a part-time child care provider. At the time the claimant left the job at Carlos O'Kelly's, she had last performed work for the District in August 2019. At the time the claimant left the job with Carlos O'Kelly's, she planned to not work through April 2020 and to seek summer employment with the school district in May 2020.

The claimant established an original claim for benefits that was effective May 10, 2021. The claimant's base periods wages were as follows:

EMPLOYER	ACCT-LOC	2019/1	2019/2	2019/3	2019/4
WEST DES MOINES COMMUNITY	103231-000	470	283	4469	53
THRIVE TOGETHER LLC	615568-000	1452		252	648

## 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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 698, 612 (Iowa 1980) and *Peck v. EAB*, 492 N.W.2d 438 (Iowa App. 1992).

Iowa Admin. Code r. 871-24.25(2) 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:

(2) The claimant moved to a different locality.

The evidence in the record establishes a voluntary quit from part-time employment that was without good cause attributable to the employer. Accordingly, this employer's account will not be charged for benefits.

Iowa Admin. Code r. 871-24.27 provides:

Voluntary quit of part-time employment and requalification. An individual who voluntarily quits without good cause part-time employment and has not requalified for benefits following the voluntary quit of part-time employment, yet is otherwise monetarily eligible for benefits based on wages paid by the regular or other base period employers, shall not be disqualified for voluntarily quitting the part-time employment. The individual and the part-time employer which was voluntarily quit shall be notified on Form 655323, Unemployment Insurance Decision, that benefit payments shall not be made which are based on the wages paid by the part-time employer and benefit charges shall not be assessed against the part-time employer's account; however, once the individual has met the requalification requirements following the voluntary quit without good cause of the part-time employer, the wages paid in the part-time employment shall be available

for benefit payment purposes. For benefit charging purposes and as determined by the applicable requalification requirements, the wages paid by the part-time employer shall be transferred to the balancing account.

The 2019 unemployment Insurance Claimant Handbook succinctly states the minimum earnings requirements as follows:

To be eligible for benefits, you must have:

- Been paid wages by covered employers in at least two quarters of the base period
- Total base period wages of at least 1.25 times the wages earned in the highest base period quarter
- Wages of at least \$1,660 in one quarter and at least \$830 in a different quarter (program year July 7, 2019 - July 4, 2020)

See Iowa Code section 96.4(4). With the exclusion of the base period wages earned from the Thrive Together/Carlos O'Kelly's employment, the claimant does not meet the minimum earnings requirements to be monetarily eligible for benefits. Accordingly, the claimant was disqualified for benefits until she worked in and was paid wages for insured wages equal to 10 times her weekly benefit amount. The claimant must meet all other eligibility requirements.

This matter will be remanded to the Benefits Bureau for a determination of whether and when the claimant met the earnings requirement to requalify for unemployment insurance benefits.

**DECISION:**

The March 8, 2021, reference 01, decision is affirmed. The claimant voluntarily quit on December 6, 2019 without good cause attributable to the employer. The employer's account will not be charged. Effective December 6, 2019, the claimant is disqualified for benefits until the claimant has worked in and been paid wages for insured work equal to 10 times the claimant's weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged.

This matter is **remanded** to the Benefits Bureau for a determination of whether and when the claimant met the earnings requirement to requalify for unemployment insurance benefits.



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James E. Timberland  
Administrative Law Judge

June 14, 2021  
Decision Dated and Mailed

jet/mh

**NOTE TO CLAIMANT:** This decision determines you are not eligible for regular unemployment insurance benefits. If 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 unemployed or continue to be 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>. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits that you must repay.

**ATTENTION:** On May 11, 2021, Governor Reynolds announced that Iowa will end its participation in federal pandemic-related unemployment benefit programs effective June 12, 2021. The last payable week for PUA in Iowa will be the week ending June 12, 2021. Additional information can be found in the press release at <https://www.iowaworkforcedevelopment.gov/iowa-end-participation-federal-unemployment-benefit-programs-citing-strong-labor-market-and>.