

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**SAMANTHA M CHRISTOPHER**  
Claimant

**TIKAINV LLC**  
Employer

**APPEAL 20A-UI-10979-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/22/20  
Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

On September 8, 2020, Samantha Christopher (claimant/appellant) filed a timely appeal from the Iowa Workforce Development decision dated September 1, 2020 (reference 01) that denied benefits based on a finding claimant voluntarily quit work on October 3, 2019 for personal reasons.

A telephone hearing was held on October 27, 2020. The parties were properly notified of the hearing. The claimant participated personally. Tikainv (employer/respondent) participated by Sam Tika.

Claimant's Exhibits 1-3 were admitted. Official notice was taken of the administrative record.

**ISSUE(S):**

- I. Was the separation from employment a layoff, discharge for misconduct, or voluntary quit without good cause?
- II. Has the claimant requalified for benefits since the separation?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant worked for employer beginning in April 2019. The last day claimant worked on the job was October 3, 2019. Claimant separated from employment on that date. Claimant separated to focus on her self-employment as a hair stylist. There was continuing work available for claimant if she had not resigned.

Claimant began working for another employer beginning in August 2020. She has earned approximately \$1,200.00 since she began working there. Claimant's weekly benefit amount is \$187.00. Ten times her weekly benefit amount is \$1,870.00. Claimant's income from her self-employment is not considered wages for insured work for purposes of requalifying for benefits.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the decision dated September 1, 2020 (reference 01) that denied benefits based on a finding claimant voluntarily quit work on October 3, 2019 for personal reasons is AFFIRMED. The administrative law judge further finds claimant has not earned ten times her weekly benefit amount in wages for insured work such that she has requalified for benefits.

Iowa Code section 96.5(1)a 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. But the individual shall not be disqualified if the department finds that:

g. The individual left work voluntarily without good cause attributable to the employer under circumstances which did or would disqualify the individual for benefits, except as provided in paragraph "a" of this subsection but, subsequent to the leaving, the individual worked in and was paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

Iowa Admin. Code r. 871-24.25 provides in relevant part:

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:

(19) The claimant left to enter self-employment.

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). "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". *Id.* (citing *Cook v. Iowa Dept. of Job Service*, 299 N.W.2d 698, 701 (Iowa 1980)).

"Good cause" for leaving employment must be that which is reasonable to the average person, not to the overly sensitive individual or the claimant in particular. *Uniweld Products v. Industrial Relations Commission*, 277 S.2d 827 (Florida App. 1973). While a notice of intent to quit is not required to obtain unemployment benefits where the claimant quits due to intolerable or detrimental working conditions, the case for good cause is stronger where the employee complains, asks for correction or accommodation, and employer fails to respond. *Hy-Vee Inc. v. EAB*, 710 N.W.2d 1 (Iowa 2005).

Iowa unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct.

Iowa Code §§ 96.5(1) and 96.5(2)a. A voluntary quitting of employment requires that an employee exercise a voluntary choice between remaining employed or terminating the employment relationship. *Wills v. Emp't Appeal Bd.*, 447 N.W.2d 137, 138 (Iowa 1989); *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438, 440 (Iowa Ct. App. 1992). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

Employer has carried its burden of proving claimant's departure from employment was voluntary. However, claimant has not carried her burden of proving the voluntary leaving was for good cause attributable to employer.

Claimant resigned to focus on her self-employment. This is not a good cause reason for resigning attributable to employer and therefore claimant is disqualified from benefits.

Claimant has not yet earned ten times her weekly benefit amount in wages for insured work such that she has requalified for benefits. She has earned approximately \$1,200.00 since she began working there for her new employer, while ten times her weekly benefit amount is \$1,870.00. Claimant's income from her self-employment is not considered wages for insured work for purposes of requalifying for benefits. "Insured work" means employment for employers. See Iowa Code 96.19(27).

**DECISION:**

The decision dated September 1, 2020 (reference 01) that denied benefits based on a finding claimant voluntarily quit work on October 3, 2019 for personal reasons is AFFIRMED. Claimant's separation from employment was disqualifying. Benefits must be denied, and employer's account shall not be charged. This disqualification shall continue until claimant has earned wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is not otherwise disqualified or ineligible.

The administrative law judge further finds claimant has not earned ten times her weekly benefit amount in wages for insured work such that she has requalified for benefits.



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Andrew B. Duffelmeyer  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515) 478-3528

October 29, 2020  
Decision Dated and Mailed

abd/scn

***Note to Claimant:***

If you disagree with this decision, you may file an appeal with the Employment Appeal Board by following the instructions on the first page of this decision. If this decision denies benefits, you may be responsible for paying back benefits already received.

Individuals who are disqualified from or are otherwise ineligible 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.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.