

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CELINA GODWYN
Claimant

APPEAL 20A-UI-14788-S2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE UNIVERSITY OF IOWA
Employer

OC: 07/05/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the November 5, 2020, (reference 01) unemployment insurance decision that denied benefits based upon her voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on March 5, 2021. Claimant Celina Godwyn participated and testified. Claimant was represented by attorney Aaron Miers. Employer the University of Iowa participated through human resources business analyst Jessica Wade and director of employee and labor relations Lisa Brewster. Claimant's Exhibits A-F were admitted into the record. Employer's Exhibits 1-3 were admitted into the record.

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: Claimant was employed full-time as a custodian from December 2, 2019, until July 14, 2020, when she quit. Claimant's last day she worked on the job was June 23, 2020.

Claimant became pregnant in May 2020. On June 16, 2020, employer engaged in the interactive process with claimant regarding an accommodation for claimant due to pregnancy complications. On June 18, 2020, claimant requested FMLA leave. (Exhibit B) Claimant received restrictions and provided the restrictions to employer. These restrictions were for claimant to work no more than 4-6 hours per day, stand and walk no more than 2-3 hours per shift, and bend occasionally. These restrictions were in place for claimant's first trimester through July 6, 2020. (Exhibit B, Exhibit 1). The FMLA request was denied because claimant was not eligible for the leave as she had not met the length of service or hours requirement, but the restrictions were accommodated. (Exhibit C, Exhibit 1)

Claimant requested an unpaid leave of absence between June 18 and June 23, 2020. When claimant returned to work on June 23, 2020, she suffered abdominal pain related to her

pregnancy. Claimant notified her supervisor and left early that day. Claimant did not return to work after that date.

On July 2, 2020, claimant suffered a miscarriage. On July 3, 2020, claimant's husband contacted employer to say she would not be coming into work.

On July 14, 2020, employer notified claimant it considered her to have abandoned her job as she had failed to report to work or call into her supervisor on July 8, 9, and 10, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits:

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 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:

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "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). 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).

Here, claimant has not established that she notified her employer that she suffered a miscarriage and needed a leave of absence from work. Her husband contacted her supervisor but there is no evidence to suggest he informed employer of the situation or claimant's need to remain off work for a period of time. Here, claimant left work on June 23, 2020, and did not return. While the administrative law judge is sympathetic to claimant's situation and leaving may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits are denied.

DECISION:

The November 5, 2020, (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.



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

March 12, 2021
Decision Dated and Mailed

sa/ol

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 due to disqualifying separations, 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>.