

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**PAIGE BERGMANN**  
Claimant

**EXPRESS SERVICES INC**  
Employer

**APPEAL 20A-UI-07916-J1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 3/29/20  
Claimant: APPELLANT (2)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

On July 21, 2020, the claimant filed an appeal from the July 13, 2020, (reference 01) unemployment insurance decision that denied benefits based on voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on August 17, 2020. Claimant participated. Employer participated through Jim Cole.

**ISSUE:**

Did claimant quit her employment with good cause attributable to her employer?  
Was claimant terminated for no disqualifiable reason?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer in October or November 2018. Claimant last worked in the office of Camp Adventure at the University of Northern Iowa on March 13, 2020 as a Program Assistant. Claimant worked for Camp Adventure, a program administered by the University of Northern Iowa and was hired through Express Services Inc. and had her payroll processed through Express Services Inc. Mr. Cole, the franchise owner of the Express Services Inc. testified that it was a mistake by the corporate office to protest the claim and he was not protesting the claim.

Claimant was separated from employment on March 12, 2020 when she was informed by the University of Northern Iowa (UNI) that UNI was canceling the Camp Adventure program and permanently shutting down the program. On March 6, 2020, an email was sent by the Interim Program Manager to all UNI Camp Adventure Staff informing them that due to Covid-19 the program was going to be shut down shortly. (Ex. A) On March 12, 2020 claimant received a notice from UNI Provost Jim Wahlpart stating that the Camp Adventure program was closing permanently. (Ex. A) Claimant's employment was then terminated.

**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.

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)).

Claimant was terminated. Claimant did not quit. There is no evidence of job related misconduct. Claimant employment ended for no disqualifiable reason. Claimant is eligible for unemployment, provided she is otherwise eligible.

**DECISION:**

**Regular Unemployment Insurance Benefits Under State Law**

The July 13, 2020, (reference 01) unemployment insurance decision is reversed. Benefits are awarded, provided she is otherwise eligible.



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James F. Elliott  
Administrative Law Judge

August 21, 2020  
Decision Dated and Mailed

je/mh