

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CORISSA L. FREDERICK
Claimant

APPEAL 20A-UI-10886-BH-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ENGLISH VALLEYS NURSING CARE CENT
Employer

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

Iowa Code section 96.5(1) – Voluntary Quit

Iowa Administrative Code rule 871-24.25 – Voluntary Quit Without Good Cause Attributable to the Employer

Iowa Administrative Code rule 871-24.26 – Voluntary Quit With Good Cause Attributable to the Employer

STATEMENT OF THE CASE:

The claimant, Corissa L. Frederick, appealed the August 31, 2020 (reference 01) unemployment insurance decision that denied benefits based upon a finding Frederick voluntarily quit her job with English Valleys Nursing Care Center (English Valleys) without good cause attributable to the employer. The agency properly notified the parties of the appeal and hearing.

The undersigned presided over a telephone hearing on October 19, 2020. Frederick participated personally and testified. English Valleys participated through administrator Courtney Williams, who served as the employer representative and business office manager Patty Kluge, who testified.

ISSUES:

Was Frederick's separation from employment with English Valleys a layoff, discharge for misconduct, or voluntary quit without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the undersigned finds the following facts.

English Valleys hired Frederick on June 16, 2009. Most recently, Frederick worked part time on an as needed basis as a certified nursing assistance (CNA). Frederick resigned effective April 14, 2020.

Frederick started her own business and reduced her hours at English Valleys as a result. She worked when English Valleys needed someone to fill a shift. Frederick would work two to four days per month on average in 2020.

In the spring of 2020, the COVID-19 pandemic hit Iowa. The highly contagious respiratory virus began spreading across the state. Gov. Kim Reynolds responded by issuing a public health disaster proclamation that ceased in-person instruction in Iowa schools.

Frederick has a six- and eight-year-old. She is the primary caregiver. Because the schools closed, Frederick had to care for her two children. Consequently, Frederick resigned from her position at English Valleys.

Frederick also runs her own business. She intended to apply for federal Pandemic Unemployment Assistance (PUA) under the CARES Act. However, Frederick does not think she filed such an application before the time of hearing.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the undersigned concludes Frederick voluntarily left employment with English Valleys without good cause attributable to the employer under the Iowa Employment Security Law, Iowa Code chapter 96.

Iowa Code section 96.5(1) disqualifies a claimant from benefits if the claimant quit she job without good cause attributable to the employer. The Iowa Supreme Court has held that good cause requires “real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the element of good faith.” *Wiese v. Iowa Dep’t of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). Moreover, the court has advised that “common sense and prudence must be exercised in evaluating all of the circumstances that lead to an employee’s quit in order to attribute the cause for the termination.” *Id.*

According to the Iowa Supreme Court, good cause attributable to the employer does not require fault, negligence, wrongdoing or bad faith by the employer. *Dehmel v. Emp’t Appeal Bd.*, 433 N.W.2d 700, 702 (Iowa 1988). Good cause may be attributable to “the employment itself” rather than the employer personally and still satisfy the requirements of the Act. *E.g. Raffety v. Iowa Emp’t Sec. Comm’n*, 76 N.W.2d 787, 788 (Iowa 1956).

A burden-shifting framework is used to evaluate quit cases. Because an employer may not know why a claimant quit, the claimant has the initial burden to produce evidence suggesting the claimant is not disqualified from benefits under Iowa Code section 96.5(1) a through j and section 96.10. If the claimant produces such evidence, the employer has the burden to prove the claimant is disqualified from benefits under section 96.5(1).

Iowa Administrative Code rule 871-24.25 creates a presumption a claimant quit without good cause attributable to the employer in certain circumstances. Iowa Administrative Code rule 871-24.26 identifies reasons for quitting that are considered for good cause attributable to the employer. Under rule 871-24.25(17), it is presumed a claimant quit without good cause attributable to the employer if the claimant quit due to lack of child care.

The Iowa legislature did not amend Iowa Code section 96.5 to create any COVID-19 exceptions to the disqualification provisions. Likewise, the agency did not issue any administrative rules creating such exceptions. The provisions of Iowa Code section 96.5 and rule 871-24.25 apply

regardless of whether Frederick had to care for her school-age children because the governor issued a proclamation ceasing in-person instruction at Iowa schools because of the COVID-19 pandemic.

Here, the evidence shows that Frederick is the primary caregiver for her two school-age children. She quit her job at English Valleys because Gov. Reynolds ordered the end of in-person instruction due to the spread of COVID-19, which left her without care for her children during the day. The evidence establishes Frederick quit her job without good cause attributable to the employer under Iowa Code section 96.5(1) and rule 871-24.25(17). Regular unemployment insurance benefits under state law are therefore denied.

Frederick intended to apply for federal Pandemic Unemployment Assistance (PUA) under the CARES Act. However, at the time of hearing, Frederick was not sure if she had filed such an application. According to the U.S. Department of Labor, PUA provides for up to 39 weeks of benefits to qualifying individuals who are unable or unavailable to work due to one or more COVID-19 related reasons such as:

A child or other person in the household for which the individual has primary caregiving responsibility is unable to attend school or another facility that is closed as a direct result of the COVID-19 public health emergency and such school or facility care is required for the individual to work[.]

U.S. Dep't of Labor, Unemployment Ins. Program Letter 16-20, "Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 – Pandemic Unemployment Assistance (PUA) Program Operating, Financial, and Reporting Instructions," p. 3 (Apr. 5, 2020), available online at: https://wdr.doleta.gov/directives/attach/UIPL/UIPL_16-20_acc.pdf (last viewed Oct. 19, 2020) (other parts of the UIPL amended by subsequent Changes); see also Pandemic Unemployment Assistance, www.iowaworkforcedevelopment.gov/pua-information (last viewed Oct. 19, 2020).

It is possible Frederick might be eligible for PUA under the CARES Act. This decision does not address whether Frederick might be eligible for such assistance. In order for Frederick to receive a determination from the agency on her eligibility for PUA under the CARES Act, she must apply at: www.iowaworkforcedevelopment.gov/pua-application.

DECISION:

Regular Unemployment Insurance Benefits Under State Law

The August 31, 2020 (reference 01) unemployment insurance decision is affirmed. Frederick voluntarily left employment without good cause attributable to English Valleys. Benefits are withheld until such time as Frederick has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Pandemic Unemployment Assistance (PUA) Under the Federal CARES Act

Even though Frederick is not eligible for regular unemployment insurance benefits under state law, she 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 in general provides up to 39 weeks of unemployment benefits. An individual receiving PUA benefits may also receive the \$600 weekly

benefit amount (WBA) under the Federal Pandemic Unemployment Compensation (FPUC) program if Frederick is eligible for such compensation for the week claimed.

This decision does not address whether Frederick is eligible for PUA. For a decision on such eligibility, Frederick must apply for PUA, as noted in the instructions provided in the "Note to Claimant" below.



Ben Humphrey
Administrative Law Judge

October 22, 2020
Decision Dated and Mailed

bh/scn

NOTE TO CLAIMANT:

- This decision determines you are not eligible for regular unemployment insurance benefits under state law. 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.
- If you do not qualify for regular unemployment insurance benefits under state law and are currently unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.**
- For more information about PUA, go to:
<https://www.iowaworkforcedevelopment.gov/pua-information>
- To apply for PUA, go to:
<https://www.iowaworkforcedevelopment.gov/pua-application>