

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**BRETT GLEASON**

Claimant

**C & S PRODUCTS CO INC**

Employer

**APPEAL 20A-UI-04934-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/12/20**

**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

Iowa Code § 96.3(7) – Overpayment of Benefits

Public Law 116-136 § 2104(b) – Federal Pandemic Unemployment Compensation

**STATEMENT OF THE CASE:**

On May 29, 2020, Brett Gleason (claimant) filed an appeal from the May 19, 2020, reference 01, unemployment insurance decision that denied benefits based upon the determination he voluntarily quit employment with C & S Products Co., Inc. (employer) for personal reasons which does not constitute good cause attributable to the employer. The parties were properly notified about the hearing. A telephone hearing was held on June 25, 2020. The claimant participated personally. The employer participated through Brenda McNealey, HR Manager. The Claimant's Exhibit A was admitted into the record without objection.

**ISSUES:**

Did the claimant voluntarily quit employment with good cause attributable to the employer?  
Has the claimant been overpaid regular unemployment benefits and Federal Pandemic Unemployment Compensation (FPUC)?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full-time as a Maintenance Technician beginning on February 22, 2016, and was separated from employment on September 19, 2019, when he quit. The employer originally hired the claimant to work 12-hour shifts, five to six days a week. In 2017, they reduced his hours to 48 hours a week. In 2018, the new supervisor reduced the claimant's hours to 40 hours a week.

In 2019, the claimant put his property on the market and began looking for property in other states. The claimant sold his property and bought a new one at the beginning of September 2019. On September 5, he submitted his resignation effective September 19 because he was moving to Wisconsin in October to semi-retire.

The claimant filed his claim for unemployment benefits effective April 12, 2020. He has received \$2,000.00 in regular unemployment benefits and \$2,400.00 in FPUC for the four-week period from April 12 through May 9.

**REASONING AND CONCLUSIONS OF LAW:**

- I. Did the claimant voluntarily quit employment with good cause attributable to the employer?*

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

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.

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:

...

- (2) The claimant moved to a different locality

...

- (24) The claimant left employment to accept retirement when such claimant could have continued working.

...

- (37) The claimant will be considered to have left employment voluntarily when such claimant gave the employer notice of an intention to resign and the employer accepted such resignation. This rule shall also apply to the claimant who was employed by an educational institution who has declined or refused to accept a new contract or reasonable assurance of work for a successive academic term or year and the offer of work was within the purview of the individual's training and experience.

Iowa Admin. Code r. 871-24.26(1) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(1) A change in the contract of hire. An employer's willful breach of contract of hire shall not be a disqualifiable issue. This would include any change that would jeopardize the worker's safety, health or morals. The change of contract of hire must be substantial in nature and could involve changes in working hours, shifts, remuneration, location of employment, drastic modification in type of work, etc. Minor changes in a worker's routine on the job would not constitute a change of contract of hire.

The 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). The claimant's argument that he left in late 2019 because he started losing hours in 2017 is not persuasive as he acquiesced to the change in hours by not quitting earlier when the reductions occurred. The claimant elected to quit because he bought property in another state and wanted to semi-retire, which does not constitute a good cause reason attributable to the employer. Benefits are denied.

*II. Has the claimant been overpaid regular unemployment benefits and Federal Pandemic Unemployment Compensation (FPUC)?*

For the reasons that follow, the administrative law judge concludes the claimant has been overpaid regular unemployment benefits and FPUC.

Iowa Code § 96.3(7) provides, in pertinent part:

7. Recovery of overpayment of benefits.

a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

PL116-136, Sec. 2104 provides, in relevant part:

EMERGENCY INCREASE IN UNEMPLOYMENT COMPENSATION BENEFITS.

...

(b) Provisions of Agreement

(1) Federal pandemic unemployment compensation.--Any agreement under this section shall provide that the State agency of the State will make payments of regular compensation to individuals in amounts and to the extent that they would be determined if the State law of the State were applied, with respect to any

week for which the individual is (disregarding this section) otherwise entitled under the State law to receive regular compensation, as if such State law had been modified in a manner such that the amount of regular compensation (including dependents' allowances) payable for any week shall be equal to

(A) the amount determined under the State law (before the application of this paragraph), plus

(B) an additional amount of \$600 (in this section referred to as "Federal Pandemic Unemployment Compensation").

....

(f) Fraud and Overpayments

...

(2) Repayment.--In the case of individuals who have received amounts of Federal Pandemic Unemployment Compensation to which they were not entitled, the State shall require such individuals to repay the amounts of such Federal Pandemic Unemployment Compensation to the State agency...

Since the claimant is not eligible for regular unemployment benefits, he was overpaid \$2,000 in regular unemployment benefits and \$2,400 in FPUC from April 12 through May 9. The claimant will be required to repay the benefits received unless this decision is overturned or he is found eligible for PUA.

**DECISION:**

The May 19, 2020, reference 01, unemployment insurance decision is affirmed. The claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. As a result, the claimant has been overpaid \$2,000.00 in regular unemployment benefits and \$2,400.00 in FPUC.

*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 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>.



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Stephanie R. Callahan  
Administrative Law Judge

July 6, 2020  
Decision Dated and Mailed

src/scn