

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**CASSANDRA L ROSSMILLER**  
Claimant

**ROCKWELL COLLINS INC**  
Employer

**APPEAL 20A-UI-03784-CL-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

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

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Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment  
PL 116-136, Sec. 2104(b) – Federal Pandemic Unemployment Compensation

**STATEMENT OF THE CASE:**

On May 6, 2020, the claimant filed an appeal from the April 27, 2020, (reference 01) unemployment insurance decision that denied benefits based on a separation from employment. The parties were properly notified about the hearing. A telephone hearing was held on May 26, 2020. Claimant participated. Employer did not register for the hearing and did not participate.

**ISSUES:**

Did claimant voluntarily quit the employment with good cause attributable to employer?  
Has the claimant been overpaid unemployment insurance benefits?  
Is the claimant eligible for Federal Pandemic Unemployment Compensation?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant has been receiving treatment for a mental health condition for many years.

Claimant began working for employer in May 2013. Claimant last worked as a full-time systems engineer.

Claimant started working with engineering manager Mark Rolfes in mid-2018. In January 2019, claimant was assigned to work directly for Rolfes. Rolfes required claimant to meet with him on a one-on-one basis each week and have an outline prepared for the meeting. Based on conversations with peers, other employees were only required to meet with Rolfes each month.

In 2019, claimant used the restroom during lab time. Rolfes came in to the lab when claimant was not there. Afterward, Rolfes told claimant that she should be in the lab during the time she is scheduled to be there. Rolfes then regularly checked on claimant during lab time to the point where she did not feel comfortable using the restroom or getting a drink during lab time.

In late 2019 or early 2020, claimant informed Rolfes she was not able to meet a work goal because the software engineer had not completed his or her portion of the work. The next day, Rolfes brought up the goal again and claimant had to remind him that she was unable to complete the goal because of another employee.

In January 2020, claimant had a one-on-one meeting with Rolfes. Claimant did not present any performance failures for the week, so Rolfes gave claimant a list with four items. Claimant disagreed with the list and defended herself.

Claimant was seeing a mental health provider, who believed claimant's condition was being exacerbated by a stressful environment at work.

Claimant never confronted Rolfes about any of these issues, other than defending herself when he criticized her performance or opinions.

Claimant did not report to the human resource department that she had complaints about Rolfes or that the work conditions were exacerbating her mental health. Claimant did not request an accommodation; such as being transferred to a different supervisor.

On February 3, 2020, claimant gave a two-week notice of resignation. Claimant still did not list the reason for resigning.

In her exit interview, claimant mentioned that she had an issue with management.

The administrative record reflects that claimant has received unemployment benefits in the amount of \$1,564.00, since filing a claim with an effective date of March 22, 2020, for the four weeks ending April 18, 2020. Claimant also received \$1,200.00 in Federal Pandemic Unemployment Compensation for the two weeks ending April 18, 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, 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. 871-24.26(6)b 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:

(6) Separation because of illness, injury, or pregnancy.

b. Employment related separation. The claimant was compelled to leave employment because of an illness, injury, or allergy condition that was attributable to the employment.

Factors and circumstances directly connected with the employment which caused or aggravated the illness, injury, allergy, or disease to the employee which made it impossible for the employee to continue in employment because of serious danger to the employee's health may be held to be an involuntary termination of employment and constitute good cause attributable to the employer. The claimant will be eligible for benefits if compelled to leave employment as a result of an injury suffered on the job.

In order to be eligible under this paragraph "b" an individual must present competent evidence showing adequate health reasons to justify termination; before quitting have informed the employer of the work-related health problem and inform the employer that the individual intends to quit unless the problem is corrected or the individual is reasonably accommodated. Reasonable accommodation includes other comparable work which is not injurious to the claimant's health and for which the claimant must remain available.

In this case, claimant resigned because her employment aggravated her mental health condition. Before quitting, claimant did not inform employer that Rolfes's management style/treatment was aggravating her mental health condition and request that his behavior be corrected or that she be reasonably accommodated. Because claimant did not have problems under other managers, a reasonable accommodation could have included reassignment to another manager. But claimant did not have that conversation with employer in an attempt to preserve her employment and therefore employer did not have the opportunity to correct the issue.

Claimant failed to establish she resigned for a good cause reason attributable to employer.

The next issue is whether claimant was overpaid benefits and should have to repay those benefits. Iowa Code § 96.3(7)a provides:

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.

In this case, the claimant has received regular, state funded unemployment insurance benefits but was not eligible for those benefits due to a disqualifying separation from employment. Claimant is required to repay the benefits.

The administrative law judge additionally concludes claimant has been overpaid Federal Pandemic Unemployment Compensation.

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

(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...

Here, the claimant is disqualified from receiving regular unemployment insurance (UI) benefits. Accordingly, this also disqualifies claimant from receiving Federal Pandemic Unemployment Compensation (FPUC). In addition to the regular UI benefits claimant received, she also received an additional \$1,200.00 in FPUC benefits for the two-week period ending April 18, 2020. Claimant is required to repay those benefits.

**DECISION:**

The April 27, 2020, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the 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. The claimant has been overpaid unemployment insurance benefits in the amount of \$1,564.00 and is obligated to repay the agency those benefits. Claimant was also overpaid \$1,200.00 in FPUC benefits and must repay those, as well.



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

May 28, 2020  
Decision Dated and Mailed

cal/mh

*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>.