

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KATLYNN RONEY

Claimant

CARE INITIATIVES

Employer

APPEAL NO. 20A-UI-03509-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/15/20

Claimant: Appellant (3)

Iowa Code Section 96.5(1) – Voluntary Quit

Iowa Code Section 96.3(7) – Overpayment of Regular State Benefits

Public Law 116-136, Section 2104(b) – Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

Katlynn Roney filed a timely appeal from the April 24, 2020, reference 01, decision that disqualified her for benefits and that relieved the employer's account of liability for benefits, based on the deputy's conclusion that the Ms. Roney voluntarily quit on December 31, 2019 without good cause attributable to the employer. After due notice was issued, a hearing was held on May 18, 2020. Ms. Roney participated. The employer did not provide a telephone number for the hearing and did not participate. Exhibit A was received into evidence. The administrative law judge took official notice of the Agency's administrative record of benefits disbursed to the claimant (DBRO and KPYX).

ISSUES:

Whether the claimant's voluntary quit was without good cause attributable to the employer.

Whether the claimant has been overpaid regular state benefits.

Whether the claimant has been overpaid Federal Pandemic Unemployment Compensation (FPUC) benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Katlynn Roney was employed by Care Initiatives, doing business as Manly Specialty Care, as a part-time Certified Nursing Assistant and Dietary Aide from 2017 until December 31, 2019, when she voluntarily quit. Ms. Roney did not have other employment during the period she was employed with Care Initiatives. Ms. Roney notified the employer in the fall that she would be leaving the employment to attend college at the University of Northern Iowa. Ms. Roney subsequently provided December 31, 2019 as her effective quit date, and voluntarily separated from the employment at that time. The employer continued to have work available at the time Ms. Roney voluntarily separated from the employment. On January 5, 2020, Ms. Roney moved from her parents' home in Plymouth, Iowa to Cedar Falls. Ms. Roney commenced her coursework at UNI on January 2020.

Ms. Roney established an original claim for unemployment insurance benefits that was effective March 15, 2020. Care Initiatives is the sole base period employer in connection with the claim. Iowa Workforce Development set Ms. Roney's weekly benefit amount at \$277.00 and paid that amount to Ms. Roney for each of the five consecutive weeks between March 15, 2020 and April 18, 2020. The regular benefits paid to Ms. Roney totaled \$1,385.00. Iowa Workforce Development also disbursed to Ms. Roney \$1,200.00 in Pandemic Unemployment Compensation Benefits for the two weeks between April 5, 2020 and April 18, 2020.

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 698, 612 (Iowa 1980) and *Peck v. EAB*, 492 N.W.2d 438 (Iowa App. 1992). 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. See Iowa Administrative Code rule 871-24.25.

A claimant who voluntarily quits employment to attend school or to move to a different locality is presumed to have voluntarily quit the employment without good cause attributable to the employer. See Iowa Administrative Code rule 871-24.25(2) and (26).

The evidence in the record establishes a December 31, 2019 voluntary quit that was without good cause attributable to the employer. Ms. Roney's sole bases for leaving the employment was to attend UNI and an associated move to Cedar Falls. Because the quit was without good cause attributable to the employer, Ms. Roney is disqualified for benefits until she has worked in and been paid wages for insured work equal to 10 times her weekly benefit amount. Ms. Roney must meet all other eligibility requirements. The employer's account shall not be charged for benefits.

Iowa Code section 96.3(7) provides that if a claimant receives benefits and is deemed ineligible for the benefits, Workforce Development must recovery the benefits and the claimant must repay the benefits, even if the claimant was not at fault in receiving the benefits.

Ms. Roney received \$1,385.00 in regular state benefits for five weeks between March 15, 2020 and April 18, 2020, but this decision disqualifies her for those benefits. Accordingly, the benefits Ms. Roney received constitute an overpayment of benefits. Ms. Roney is required to repay the overpaid benefits.

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

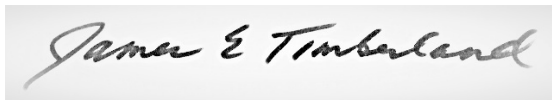
(2) Repayment.--In the case of individuals who have received amounts of Federal Pandemic Unemployment Compensation to which they were not entitled, the State shall require such individuals to repay the amounts of such Federal Pandemic Unemployment Compensation to the State agency...

Because the claimant is disqualified from receiving regular unemployment insurance (UI) benefits, the claimant is also disqualified from receiving Federal Pandemic Unemployment Compensation (FPUC). The \$1,200.00 in FPUC benefits the claimant received for the two-week period ending April 18, 2020 constitutes an overpayment of benefits. Claimant is required to repay those benefits.

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>.

DECISION:

The April 24, 2020, reference 01, decision is modified to include the overpayment determination. The claimant voluntarily quit the employment without good cause attributable to the employer. The quit was effective December 31, 2019. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to 10 times her weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged. The claimant is overpaid \$1,385.00 in regular state benefits for five weeks between March 15, 2020 and April 18, 2020. The claimant is overpaid \$1,200.00 in FPUC benefits for the two-week period ending April 18, 2020. The claimant must repay the overpaid state and FPUC benefits.



James E. Timberland
Administrative Law Judge

May 20, 2020
Decision Dated and Mailed

jet/scn