

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**ERIC BORTEL**  
Claimant

**NCS PEARSON INC**  
Employer

**APPEAL 20A-UI-08952-J1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/01/20**  
**Claimant: APPELLANT (2)**

---

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

On July 27, 2020, the claimant filed an appeal from the July 15, 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 September 10, 2020. Claimant participated and was represented by attorney Emma Shimanovsky. The Employer did not participate. Exhibit A consisting of three emails was admitted into the record.

**ISSUES:**

Did claimant quit his employment?

Did claimant quit his employment with good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer in 2008. The employer is a testing service that grades testing and the work is somewhat tied to the academic year. Claimant would be notified of certain projects to work on for the employer and claimant would then accept the project and work until the completion of the project and then wait for additional assignments. On January 10, 2020 claimant was notified that he was assigned to a project that was to start April 8, 2020. On March 18, 2020 claimant was sent an email informing him that his project was delayed and that a new start date had not been determined. On March 25, 2020 claimant received an email stating the project had been canceled due to Covid-19 and that the employer would notify him of future projects. Claimant has not been notified of future projects.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code §§ 96.5(1) and 96.5(2)a. The burden of proof rests with the employer to show that the claimant voluntarily left his employment. *Irving v. Emp't Appeal Bd.*, 883 N.W.2d 179 (Iowa 2016). A voluntary quitting of employment requires that an employee exercise a voluntary choice

between remaining employed or terminating the employment relationship. *Wills v. Emp't Appeal Bd.*, 447 N.W.2d 137, 138 (Iowa 1989); *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438, 440 (Iowa Ct. App. 1992).

There is no showing that claimant voluntarily left his employment. The claimant did not quit his employment. The employer canceled his work due to Covid-19. The claimant's employment was terminated for no disqualifiable reason.

**DECISION:**

**Regular Unemployment Insurance Benefits Under State Law**

The July 15, 2020, (reference 01) unemployment insurance decision is reversed. Benefits are payable, provided claimant is otherwise eligible.



---

James F. Elliott  
Administrative Law Judge

September 11, 2020  
Decision Dated and Mailed

je/scn