

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SUSAN E STOGDILL

Claimant

APPEAL 17A-UI-04877-DG-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

BRIGHTER DAY HEALTH LLC

Employer

OC: 09/25/16

Claimant: Appellant (4)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The employer filed an appeal from the April 27, 2017, (reference 07) unemployment insurance decision that denied benefits based upon voluntarily quitting the employment. The parties were properly notified about the hearing. A telephone hearing was held on May 25, 2017. Claimant did participate. Employer participated through Nidia Martinez, Director of Operations.

ISSUES:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was hired as an independent contractor on March 28, 2017. Claimant believed she was hired as an employee and quit three days later on March 31, 2017, when she found out she would be paid as an independent contractor. The employer participated and confirmed the independent contractor status.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits:

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.

The Iowa Employment Security Law deals only with employment relationships. Since the claimant was an independent contractor and not an employee, the circumstances surrounding the severance of the business relationship with that company is immaterial to the claim for unemployment insurance benefits.

DECISION:

The April 27, 2017, (reference 07) unemployment insurance decision is modified in favor of the appellant. Because the claimant was an independent contractor, the business relationship between claimant and employer is immaterial to claimant's claim for benefits. Under Iowa law claimant did not quit employment. No disqualification is imposed and the business is not liable for charges.

Duane L. Golden
Administrative Law Judge

Decision Dated and Mailed

dlg/scn