

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**LONDON PAYTON**  
Claimant

**MARTIN LUTHER HOME CORPORATION**  
Employer

**APPEAL 20A-UI-05784-HP-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/26/20**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

Claimant London Payton filed an appeal from a June 3, 2020 (reference 01) unemployment insurance decision that denied benefits based upon her voluntarily quitting work without good cause attributable to the employer, Martin Luther Home Corporation (“Martin Luther”). Notices of hearing were mailed to the parties’ last known addresses of record for a telephone hearing scheduled for July 9, 2020. Payton appeared and testified. Jennifer Groenwold represented Martin Luther, but did not testify. Janet Patters appeared and testified on behalf of Martin Luther. Exhibit 1 was admitted into the record. I also took administrative notice of Payton’s unemployment insurance benefits records maintained by Iowa Workforce Development.

**ISSUE:**

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

**FINDINGS OF FACT:**

Payton commenced part-time employment as a certified nursing assistant with Martin Luther on August 21, 2018. Payton worked thirty hours every two weeks. Mary Bhal was her direct supervisor. Kim Markey was the Director of Nursing.

Payton decided she wanted to move to Atlanta, Georgia, to pursue additional education in nursing. In February 2020, Payton told Bhal she was going to resign to pursue additional education in Atlanta. Bhal told her she would miss her. Payton provided Bhal with a two week written notice of resignation, effective March 1, 2020. (Exhibit 1) Payton worked on March 1, 2020, her last day with Martin Luther. She did not rescind her resignation before March 1, 2020.

The second week of March Payton determined she would not be moving to Atlanta in part due to Covid-19. In April Payton contacted Martin Luther to see if could return. Payton spoke with Patters. Patters informed her she would get back with her in a few days. After speaking Markey Patters called Payton and told her Martin Luther was not hiring at that time. Payton does not understand why Martin Luther did not hire her back because she was a good worker.

**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: . . . .If the individual has left work voluntarily without good cause attributable to the individual’s employer, if so found by the department.” The Iowa Supreme Court has held a “voluntary quit” means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer.” *Wills v. Emp’t Appeal Bd.*, 447 N.W.2d 137, 138 (Iowa 1989). A voluntary quit requires “an intention to terminate the employment relationship accompanied by an overt act carrying out the intent.” *Peck v. Emp’t Appeal Bd.*, 492 N.W.2d 438, 440 (Iowa Ct. App. 1992). “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).

871 Iowa Administrative Code 24.25(2) and (26) provide:

**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 following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer: . . . .

**24.25(2)** The claimant moved to a different locality.

**24.25(26)** The claimant left to go to school.

Payton admitted she quit her job with Martin Luther because she was planning to move to Atlanta to attend school. Payton’s plans changed after she resigned. Payton’s resignation is presumed to be without good cause attributable to Martin Luther. Therefore, benefits must be denied.

**DECISION:**

**Regular Unemployment Insurance Benefits Under State Law**

The June 3, 2020 (reference 01) unemployment insurance decision denying unemployment insurance benefits is affirmed. Claimant voluntarily quit her employment with the employer on March 1, 2020. Unemployment insurance benefits are denied until the claimant has worked in and earned wages for insured work equal to ten times her weekly benefit amount after his separation date, and provided she is otherwise eligible.

**Pandemic Unemployment Assistance (“PUA”) Under the Federal CARES Act**

Even though the claimant is not eligible for regular unemployment insurance benefits under state law, the claimant may be eligible for federally funded unemployment insurance benefits under the CARES Act. Section 2102 of the CARES Act creates a new temporary federal program called Pandemic Unemployment Assistance (“PUA”) that may provide up to 39 weeks of unemployment benefits. An individual receiving PUA benefits may also receive an additional \$600 weekly benefit amount under the Federal Pandemic Unemployment Compensation program if the individual is eligible for PUA benefits for the week claimed. This decision does not address whether the claimant is eligible for PUA. If the claimant wishes to receive PUA benefits, the claimant must apply for PUA, as noted in the instructions provided in the “Note to Claimant” below:

**Note to Claimant:** If this decision determines you are not eligible for regular unemployment insurance benefits and 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>.** This decision denies benefits. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits.



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July 16, 2020  
Decision Dated and Mailed

hlp/mh