

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

HEATHER M YOUNG
Claimant

WEIPERT ENTERPRISES INC
Employer

APPEAL 20A-UI-07913-BH-T
ADMINISTRATIVE LAW JUDGE
DECISION

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

Iowa Code section 96.5(1) – Voluntary Quit
Iowa Administrative Code rule 871-24.25 – Voluntary Quit Without Good Cause Attributable to the Employer
Iowa Administrative Code rule 871-24.26 – Voluntary Quit With Good Cause Attributable to the Employer

STATEMENT OF THE CASE:

The claimant, Heather M. Young, appealed the July 1, 2020 (reference 04) unemployment insurance decision that denied benefits based upon a finding Young voluntarily quit her job with Weipert Enterprises, Inc. (Weipert) without good cause attributable to the employer. The agency properly notified the parties of the appeal and hearing.

The undersigned presided over a telephone hearing on August 17, 2020. Young participated personally and testified. Weipert participated through owner and president Jerry Weipert, who testified, and Joseph Grubbs, a supervisor of Young's who was an operations manager.

ISSUES:

Was Young's separation from employment with Weipert a layoff, discharge for misconduct, or voluntary quit without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the undersigned finds the following facts.

Weipert hired Young on January 3, 2020. She worked full time as a dispatcher for JBA Towing, which is owned by Weipert. Young resigned on or about March 25, 2020.

Young has three children who attend elementary school and after-school care. In the spring of 2020, the COVID-19 pandemic began spreading across the state and nation. Gov. Reynolds issued an order closing the schools.

The order left Young without anywhere for her children to go during the day. She is the primary caregiver for her children. Young had no childcare. She was faced with the decision between working and caring for her children. Young chose to care for her children and resigned.

Young testified that she has applied for Pandemic Unemployment Assistance (PUA) under the CARES Act.

REASONING AND CONCLUSIONS OF LAW:

Regular Unemployment Insurance Benefits Under State Law

For the reasons that follow, the undersigned concludes Young voluntarily left employment with Weipert without good cause attributable to the employer under the Iowa Employment Security Law, Iowa Code chapter 96.

Iowa Code section 96.5(1) disqualifies a claimant from benefits if the claimant quit her job without good cause attributable to the employer. The Iowa Supreme Court has held that good cause requires “real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the element of good faith.” *Wiese v. Iowa Dep’t of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). Moreover, the court has advised that “common sense and prudence must be exercised in evaluating all of the circumstances that lead to an employee’s quit in order to attribute the cause for the termination.” *Id.*

According to the Iowa Supreme Court, good cause attributable to the employer does not require fault, negligence, wrongdoing or bad faith by the employer. *Dehmel v. Emp’t Appeal Bd.*, 433 N.W.2d 700, 702 (Iowa 1988). Good cause may be attributable to “the employment itself” rather than the employer personally and still satisfy the requirements of the Act. *E.g. Raffety v. Iowa Emp’t Sec. Comm’n*, 76 N.W.2d 787, 788 (Iowa 1956).

A burden-shifting framework is used to evaluate quit cases. Because an employer may not know why a claimant quit, the claimant has the initial burden to produce evidence suggesting the claimant is not disqualified from benefits under Iowa Code section 96.5(1) a through j and section 96.10. If the claimant produces such evidence, the employer has the burden to prove the claimant is disqualified from benefits under section 96.5(1).

Iowa Administrative Code rule 871-24.25 creates a presumption a claimant quit without good cause attributable to the employer in certain circumstances. Iowa Administrative Code rule 871-24.26 identifies reasons for quitting that are considered for good cause attributable to the employer. Under rule 871-24.25(17), it is presumed a claimant voluntarily left employment without good cause attributable to the employer if the claimant left because of lack of child care.

The legislature did not amend Iowa Code section 96.5(1) to create an exception for COVID-19. The agency has issued no amendments to rule 871-24.25(17) to create an exception for COVID-19. Therefore, Iowa Code section 96.5(1) and rule 871-24.25(17) govern on the question of Young’s entitlement to benefits.

Here, the evidence shows that Young left employment with Weipert because of lack of child care. While Young had compelling personal reasons for resigning, she left her job without good cause attributable to the employer under Iowa Code section 96.5(1) and rule 871-24.25(17). Young is therefore not eligible for regular unemployment insurance benefits under state law.

Pandemic Unemployment Assistance (PUA) Under the Federal CARES Act

Young testified that she has applied for PUA under the federal CARES Act. According to the U.S. Department of Labor, PUA provides for up to 39 weeks of benefits to qualifying individuals who are ineligible for or unable or unavailable to work under state law due to one or more COVID-19 related reasons such as:

A child or other person in the household for which the individual has primary caregiving responsibility is unable to attend school or another facility that is closed as a direct result of the COVID-19 public health emergency and such school or facility care is required for the individual to work

U.S. Dep't of Labor, Unemployment Ins. Program Letter 16-20, "Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 – Pandemic Unemployment Assistance (PUA) Program Operating, Financial, and Reporting Instructions," p. 3 (Apr. 5, 2020), available online at: https://wdr.doleta.gov/directives/attach/UIPL/UIPL_16-20_acc.pdf (last viewed Aug. 13, 2020) (amended by subsequent changes that did not affect the cited portion).

DECISION:

Regular Unemployment Insurance Benefits Under State Law

The July 1, 2020 (reference 04) unemployment insurance decision is affirmed. Young voluntarily left employment without good cause attributable to Weipert. Benefits are withheld until such time as Young has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Pandemic Unemployment Assistance (PUA) Under the Federal CARES Act

Even though Young is not eligible for regular unemployment insurance benefits under state law, she 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 in general provides up to 39 weeks of unemployment benefits. An individual receiving PUA benefits may also receive the \$600 weekly benefit amount (WBA) under the Federal Pandemic Unemployment Compensation (FPUC) program if Young is eligible for such compensation for the week claimed.

This decision does not address whether Young is eligible for PUA. For a decision on such eligibility, Young must apply for PUA, as noted in the instructions provided in the "Note to Claimant" below.



Ben Humphrey
Administrative Law Judge

October 28, 2020
Decision Dated and Mailed

bh/sam

NOTE TO CLAIMANT:

- This decision determines you are not eligible for regular unemployment insurance benefits under state law. 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.
- If you do not qualify for regular unemployment insurance benefits under state law and are currently unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.**
- For more information about PUA, go to:
<https://www.iowaworkforcedevelopment.gov/pua-information>
- To apply for PUA, go to:
<https://www.iowaworkforcedevelopment.gov/pua-application>