

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**SAMANTHA F FIERROS**  
Claimant

**VG FAM LLC**  
Employer

**APPEAL 21A-UI-00608-DZ-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 08/09/20**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Samantha F Fierros, the claimant/appellant filed an appeal from the November 18, 2020, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on February 10, 2021. Ms. Fierros participated and testified. The employer participated through Eric Van Gorp. Official notice was taken of the administrative record.

**ISSUE:**

Did Ms. Fierros voluntary quit without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Fierros began working for the employer on January 1, 2019. She worked as a full-time assistant manager. Her last day of work was March 12, 2020.

In June 2019, Ms. Fierros told the employer that she planned to move to Texas later in the year. The employer accepted Ms. Fierros' notice. In late December 2020/early January 2021, Ms. Fierros decided to move to Texas in March 2020. She informed the employer and the employer accepted Ms. Fierros' notice of her intent to resign. Ms. Fierros worked on March 11, 2020 and moved to Texas later in the week. Ms. Fierros had multiple job interviews lined up and hoped to be employed in Texas soon. Soon after Ms. Fierros moved to Texas many employer shut down due to the COVID-19 pandemic. Ms. Fierros was unemployed for three months. Eventually Ms. Fierros found a job but the hours were not enough for her to pay her bills. Ms. Fierros attempted to file for unemployment insurance (UI) benefits in Texas but was told by Texas officials to file in Iowa. Ms. Fierros filed her initial claim for REGULAR UI effective August 9, 2020.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Ms. Fierros' separation from the employment was without good cause attributable to the employer.

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.

Iowa Admin. Code r. 871-24.25(2) and (37) 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 employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

...

(2) The claimant moved to a different locality.

(37) The claimant will be considered to have left employment voluntarily when such claimant gave the employer notice of an intention to resign and the employer accepted such resignation. This rule shall also apply to the claimant who was employed by an educational institution who has declined or refused to accept a new contract or reasonable assurance of work for a successive academic term or year and the offer of work was within the purview of the individual's training and experience.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "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). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

In this case, Ms. Fierros voluntarily quit to move to Texas. She offered her resignation and the employer accepted it. Her employment ended on good terms with the employer and was for good personal reasons. However, Ms. Fierros' leaving was not for a good-cause reason attributable to the employer according to Iowa law. REGULAR UI benefits are denied.

Even though Ms. Fierros is not eligible for REGULAR UI benefits under state law, she may be eligible for federally funded unemployment insurance benefits under the Coronavirus Aid, Relief,

and Economic Security Act ("Cares Act"), Public Law 116-136. 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 he or she is eligible for such compensation for the week claimed.

**DECISION:**

The November 18, 2020, (reference 01) unemployment insurance decision is affirmed. Ms. Fierros voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.



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Daniel Zeno  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax 515-478-3528

February 22, 2021  
Decision Dated and Mailed

dz/scn

**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 on how to apply for PUA, go to <https://www.iowaworkforcedevelopment.gov/pua-information>. **If you do not apply for and are not approved for PUA, you may be required to repay the benefits you've received so far.**