

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JENNIFER L. TAYLOR
Claimant

GRAY TRANSPORTATION, INC.
Employer

APPEAL 20A-UI-07624-BH-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/31/20
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, Jennifer L. Taylor, appealed the June 22, 2020 (reference 01) unemployment insurance decision that denied benefits based upon a finding Taylor voluntary quit her job with Gray Transportation, Inc. (Gray) 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 11, 2020. Taylor participated personally and testified. Gray participated through owner Darrin Gray, who testified.

ISSUES:

Was Taylor's separation from employment with Gray 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.

Gray hired Taylor on September 23, 2019. Taylor worked full time as a dispatcher until February 26, 2020, then went on leave for surgery and rehabilitation through April 26, 2020. Upon returning to work, Taylor worked part time. Taylor resigned on May 22, 2020.

Becky Collins is a dispatcher. Gray hired Taylor as the other dispatcher. The two had to coordinate their work. Issues arose between Collins and Taylor. Ownership had to intervene on occasion.

After returning from surgery, Taylor could not physically work full-time hours. She worked part time for two weeks. During the third week, Gray held a meeting with Taylor, Collins, Leroy Gray, and Dave Gotchalk. Gray informed Taylor during the meeting that there was no part-time dispatcher position available at the company and that she needed to work full time.

After the meeting, Taylor tried to work full time. However, her body could not handle the hours. Taylor was on doctor-prescribed medication. It is a controlled substance. She had to take the medication every four hours. Taylor could not work and be on a controlled substance while doing the job of dispatcher. Taylor also could not sit and look at the multiple screens a dispatchers uses without aggravating her neck.

On May 21, 2020, Taylor sent an email giving notice of her resignation. Taylor did not mention her health. Rather, the email details issues Taylor had with Collins. It stands to reason that, if an employee is quitting due to health issues, the employee would identify such as the reason for quitting in communication with the employer. While Taylor has had issues performing the job due to her health condition, Taylor's resignation communications with Gray, which do not reference such issues, are given more weight. Consequently, the resignation email is entitled to more weight than Taylor's hearing testimony with respect to the reason why she resigned.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the undersigned concludes Taylor voluntarily left employment with Gray 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 she 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(35), a claimant is presumed to have quit without good cause attributable to the employer if:

The claimant left because of illness or injury which was not caused or aggravated by the employment or pregnancy and failed to:

- a. Obtain the advice of a licensed and practicing physician;
- b. Obtain certification of release for work from a licensed and practicing physician;
- c. Return to the employer and offer services upon recovery and certification for work by a licensed and practicing physician; or
- d. Fully recover so that the claimant could perform all of the duties of the job.

If Taylor quit because of her injury and related limitations, rule 871-24.25(35) would control. However, Taylor's resignation email makes no mention of her physical limitations due to her injury. It only identifies issues with Collins. Thus, it is more likely than not that Taylor resigned because of her issues with Collins, regardless of whether or not her physical limitations and medications were making it difficult, if not impossible, to work full time at Gray.

Under rule 871-24.25(21), it is presumed a claimant quit without good cause attributable to the employer if the claimant left due to dissatisfaction with the work environment. Based on the evidence, it is more likely than not that Taylor quit due to issues with Collins. Taylor's issues with Collins constitute dissatisfaction with the work environment. Taylor therefore quit without good cause attributable to the employer under Iowa law. Benefits are denied.

DECISION:

Regular Unemployment Insurance Benefits Under State Law

The June 22, 2020 (reference 01) unemployment insurance decision is affirmed. Taylor voluntarily left employment without good cause attributable to Gray. Benefits are withheld until such time as Taylor 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 Taylor 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 Taylor is eligible for such compensation for the week claimed.

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



Ben Humphrey
Administrative Law Judge

October 19, 2020
Decision Dated and Mailed

bh/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 about PUA, go to:
<https://www.iowaworkforcedevelopment.gov/pua-information>
- To apply for PUA, go to:
<https://www.iowaworkforcedevelopment.gov/pua-application>