

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**JANITA LANSMAN**  
Claimant

**APPEAL 21A-UI-00962-ED-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DEERFIELD RETIREMENT COMMUNITY  
INC**  
Employer

**OC: 03/29/20**  
**Claimant: Appellant (1)**

---

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

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the November 23, 2020 (reference 03) unemployment insurance decision that denied benefits to claimant. The parties were properly notified of the hearing. A telephone hearing was held on February 12, 2021. The claimant, Janita Lansman participated. Claimant was represented by her attorney Joshua Opperman. The employer, Deerfield Retirement Community participated through witness Missy Cabrajac. Claimant's Exhibits 1 through 22 were received into the record.

**ISSUES:**

Did claimant voluntarily quit the employment with good cause attributable to employer?  
Was the claimant discharged for disqualifying job-related misconduct?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed on a Licensed Practical Nurse with a status of PRN. Kim Mason was claimant's immediate supervisor. She began work on November 12, 2019. Claimant worked PRN which meant she would pick up shifts that worked into her schedule as they were available. The company policy requires claimant as a PRN employee to work at least eight hours per month to maintain her PRN employee status. The claimant received a copy of this policy when she became employed by the employer. Claimant had access to a program called "On Shift" that shows what open shifts are available. This program allows PRN employees to pick up shifts they choose to work. The last day claimant actually worked was March 25, 2020. On April 29, 2020 claimant submitted a doctor's note stating she needed to quarantine due to Covid-19. Claimant was given an extended day grace period per the company policy requiring 8 hours worked per month. Claimant's employment ended on July 24, 2020 because she had not worked the minimum of 8 hours per month. Her last date worked was March 25, 2020.

There was continuing work available to claimant if she had not voluntarily quit.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code §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.

A voluntary quitting means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer and requires an intention to terminate the employment. *Wills v. Emp't Appeal Bd.*, 447 N.W. 2d 137, 138 (Iowa 1989). 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). Where a claimant walked off the job without permission before the end of his shift saying he wanted a meeting with management the next day, the Iowa Court of Appeals ruled this was not a voluntary quit because the claimant's expressed desire to meet with management was evidence that he wished to maintain the employment relationship. Such cases must be analyzed as a discharge from employment. *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992).

Iowa Admin. Code r. 871-24.25(4) provides:

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:

In this case claimant did not to come back to work. Iowa Admin. Code r. 871-24.25(27) provides:

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 § 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 § 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:

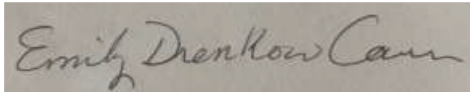
- (27) The claimant left rather than perform the assigned work as instructed.

Claimant's leaving the employment was not for a good-cause reason attributable to the employer according to Iowa law. Benefits must be denied.

In this case, knew she was required to work a minimum number of hours to maintain employment. Claimant had an intention to quit and carried out that intention by failing to pick up a minimum of 8 hours of shifts in the month prior to July 24, 2020. 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). There was no reason given by the claimant for her voluntarily quitting her employment. As such, claimant's leaving the employment was not for a good-cause reason attributable to the employer according to Iowa law. Benefits must be denied.

**DECISION:**

The November 23, 2020 (reference 03) unemployment insurance decision is affirmed. Claimant was discharged from employment for job-related misconduct. Unemployment insurance benefits are denied until claimant has worked in and earned wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.



---

Emily Drenkow Carr  
Administrative Law Judge

February 25, 2021  
Decision Dated and Mailed

ed/mh