

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RITA R MCFARLIN
Claimant

SKYLINE CENTER INC
Employer

APPEAL 20A-UI-08566-BH-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/24/20
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, Rita R. McFarlin, appealed the July 14, 2020 (reference 01) unemployment insurance decision that denied benefits based upon a finding McFarlin voluntarily quit her job with Skyline Center, Inc. (Skyline) 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 September 1, 2020. McFarlin participated personally and testified. Skyline participated through human resources director Lisa Hammond, who testified.

ISSUES:

Was McFarlin's separation from employment with Skyline 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.

Skyline hired McFarlin on September 10, 2019. McFarlin worked part time as a purchasing agent. Her immediate supervisor was Tammy Edwards, the business office manager at Skyline. On January 17, 2020, McFarlin resigned.

McFarlin took over as the Skyline purchasing agent from a long-time employee. She had suggestions on improvements and concerns about the position. McFarlin believed the job description of the position for which she applied and was hired to fill did not match the duties

Skyline assigned to her. McFarlin requested to have meetings with her supervisor and other members of Skyline management, including the executive director, but to no avail.

McFarlin gave Skyline notice of her resignation on January 3, 2020. She worked through January 17, 2020. McFarlin had concerns about inappropriate language and bullying by Skyline staff as well as concerns about being required to lift packages of copier paper that weighed about 75 pounds. However, the primary reason that motivated McFarlin's resignation was uncertainty about her future with Skyline. If McFarlin had known her position was secure, she would not have resigned. Because McFarlin feared Skyline might eliminate her position during a reorganization, she resigned.

McFarlin's supervisor, Tammy Edwards, informed McFarlin that Skyline might classify her separation as a layoff because Skyline would be reorganizing its operation. However, according to Hammond, Skyline classified McFarlin's separation as a resignation. After McFarlin resigned, Skyline combined her position with another one. The job is now a full-time job, with duties in addition to those McFarlin performed.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the undersigned concludes McFarlin voluntarily left employment with Skyline 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(21), it is presumed a claimant voluntarily quit without good cause attributable to the employer if the claimant left due to dissatisfaction with the work environment.

Here, the evidence shows that McFarlin was dissatisfied with her work environment. From the other duties Skyline assigned McFarlin to the behavior of coworkers and her belief that Skyline might eliminate her position, she did not like the work environment. She resigned because of this dissatisfaction.

Under rule 871-24.25(21), resigning due to dissatisfaction with the work environment is considered a voluntary quit without good cause attributable to the employer. McFarlin is therefore disqualified from benefits under Iowa Code section 96.5(1) and rule 871-24.25(21). Benefits are denied.

DECISION:

Regular Unemployment Insurance Benefits Under State Law

The July 14, 2020 (reference 01) unemployment insurance decision is affirmed. McFarlin voluntarily left employment without good cause attributable to Skyline. Benefits are withheld until such time as McFarlin 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 McFarlin 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 McFarlin is eligible for such compensation for the week claimed.

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



Ben Humphrey
Administrative Law Judge

September 8, 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>