

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**SAMUEL NYAEN**  
Claimant

**TPI IOWA LLC**  
Employer

**APPEAL 20A-UI-07094-J1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/12/20**  
**Claimant: APPELLANT (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.4(3) – Able and Available/Work Search

**STATEMENT OF THE CASE:**

On June 26, 2020, the claimant filed an appeal from the June 18, 2020, (reference 01) unemployment insurance decision that denied benefits based on voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on August 3, 2020. Claimant participated. Employer was called and Danielle Williams, Senior Human Resources Counselor, stated the employer did not want to participate and did not wish to object to benefits in this case.

**ISSUES:**

Did claimant have good cause attributable to the employer for quitting employment?  
Is the claimant able and available for work?

**Pandemic Unemployment Assistance (PUA) Under the Federal CARES Act**

Even though claimant is not eligible for regular unemployment insurance benefits under state law, claimant 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 he or she is eligible for such compensation for the week claimed. This decision does not address when claimant is eligible for PUA. For a decision on such eligibility, claimant must apply for PUA, as noted in the instructions provided in the “Note to Claimant” at the end of this decision.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on October 15, 2012. Claimant last worked as a full-time assembler. Claimant was separated from employment on April 16, 2020 when he lost childcare for his children due to Covid-19. Claimant received a letter terminating him from employment on May 29, 2020.

Claimant testified that he contracted Covid-19 while working for TPI Iowa. Client's two children caught Covid-19 from him. When his children became sick he lost day care for his children. Claimant informed his employer that he had lost day care and could not work until he obtained day care. Claimant lives in West Des Moines Iowa and would commute to Newton to work for TPI Iowa. Claimant testified he obtained day care of June 15, 2020 that would have allowed him to return to work at TPI Iowa. Claimant testified that he could have worked in the Des Moines area with his day care problem as he did find day care that could handle a regular work schedule, but with the commuting distance and time to work in Newton, he could not find day care until June 15, 2020.

#### **REASONING AND CONCLUSIONS OF LAW:**

Iowa Admin. Code r. 871-24.25(17) 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:

(17) The claimant left because of lack of child care.

Claimant was not able to work when he lost child care for his children. I find claimant's separation was not with good cause attributable to his employer.

Claimant was able to work in the Des Moines area but not commute to Newton. Claimant was able and available for work.

#### **DECISION:**

##### **Regular Unemployment Insurance Benefits Under State Law**

The June 18, 2020, (reference 01) unemployment insurance decision is affirmed. Benefits are withheld until such time as claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

## Pandemic Unemployment Assistance (PUA) Under the Federal CARES Act

### 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 how to apply for PUA, go to:

<https://www.iowaworkforcedevelopment.gov/pua-informatio>  
<https://www.iowaworkforcedevelopment.gov/Pua-application>



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James F. Elliott  
Administrative Law Judge

August 10, 2020  
Decision Dated and Mailed

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