

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BROOKE A RICE
Claimant

WESLEYLIFE
Employer

APPEAL 20A-UI-07344-HP-T
ADMINISTRATIVE LAW JUDGE
DECISION

OC: 03/15/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

Claimant Brooke Rice filed an appeal from a June 24, 2020 (reference 01) unemployment insurance decision that denied benefits for voluntarily quitting her work with Wesleylife on March 15, 2020. The parties were properly notified of the hearing. A telephone hearing was held on August 14, 2020. Rice appeared and testified. Barb Hamilton represented Wesleylife. Amy Knight appeared and testified on behalf of Wesleylife. Exhibit 1 was admitted into the record. I took administrative notice of the claimant's unemployment insurance benefits records maintained by Iowa Workforce Development.

ISSUE:

Was the separation a layoff, discharge for misconduct or voluntary quit without good cause?

FINDINGS OF FACT:

Rice commenced full-time employment with Wesleylife as a home health aide on September 6, 2019. Rice's immediate supervisor at the end of her employment was Andi Bacon.

Rice had been having child care issues with in-service days and breaks when the schools were not open. In February 2020, she spoke to Bacon about her situation and discussed giving a two-week notice to work as needed or resigning. Rice continued working. In early March 2020, Rice provided a two-week notice that she was going to move to an as needed assignment due to child care issues.

Rice worked on March 14, 2020. On March 15, 2020, she sent an e-mail to Bacon, the scheduling department, and to the director of home health stating with all that was going on she could not find child care and she was quitting effective March 15, 2020.

Rice testified her grandmother was going to watch her children, but she was unavailable. Rice reported due to Covid-19 child care establishments had closed and those that were open were not accepting new children. Rice's husband works long hours and he was not available to watch the children.

Knight testified Rice was an excellent aide and there was continuing work available for her when she resigned.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) provides an individual “shall be disqualified for benefits, regardless of the source of the individual’s wage credits: . . . If the individual has left work voluntarily without good cause attributable to the individual’s employer, if so found by the department.” The Iowa Supreme Court has held a “voluntary quit” means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer.” *Wills v. Emp’t Appeal Bd.*, 447 N.W.2d 137, 138 (Iowa 1989). A voluntary quit requires “an intention to terminate the employment relationship accompanied by an overt act carrying out the intent.” *Peck v. Emp’t Appeal Bd.*, 492 N.W.2d 438, 440 (Iowa Ct. App. 1992). “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). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). The employer has the burden of proving that a claimant’s departure from employment was voluntary. *Irving v. Emp’t Appeal Bd.*, 883 N.W.2d 179 (Iowa 2016).

871 Iowa Administrative Code -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.

24.25(17) The claimant left because of lack of child care.

Rice quit her employment with Wesleylife due to a lack of child care. Wesleylife did not cause her child care problem. I find Rice voluntarily quit her employment with Wesleylife without good cause attributable to Wesleylife. Benefits are denied.

DECISION:

Regular Unemployment Insurance Benefits Under State Law

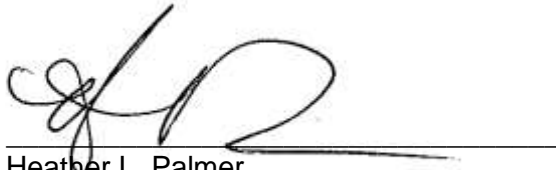
The June 24, 2020 (reference 01) unemployment insurance decision denying unemployment insurance benefits is affirmed. Claimant voluntarily quit the claimant’s employment with the employer on March 15, 2020. Unemployment insurance benefits are denied until the claimant has worked in and earned wages for insured work equal to ten times the claimant’s weekly benefit amount after the claimant’s separation date, and provided the claimant is otherwise eligible.

Pandemic Unemployment Assistance (“PUA”) Under the Federal CARES Act

As I discussed with the parties during the hearing, even though the claimant is not eligible for regular unemployment insurance benefits under state law, the 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 may provide up to 39 weeks of unemployment benefits. An individual receiving PUA benefits may also receive an additional \$600 weekly benefit amount under the Federal Pandemic Unemployment Compensation (“FPUC”) program if the individual is eligible for

PUA benefits for the week claimed. The FPUC additional \$600 payment per week ends as of July 25th in Iowa. This means the \$600 weekly additional benefit will stop and at this time, no extension or change to the program has been made by Congress at this time. This does mean that you will see a corresponding decrease in your weekly benefit amount. The FPUC payments are not a state benefit and Iowa is unable to make any changes to the availability of this benefit. If a change takes place to this benefit in the future, IWD will share on the IWD website and social media. This decision does not address whether the claimant is eligible for PUA. If the claimant wishes to receive PUA benefits, the claimant must apply for PUA, as noted in the instructions provided in the "Note to Claimant" below:

Note to Claimant: If this decision determines you are not eligible for regular unemployment insurance benefits and 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. Individuals who do not qualify for regular unemployment insurance benefits, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance ("PUA"). **You will need to apply for PUA to determine your eligibility under the program. Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.** This decision denies benefits. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits.



Heather L. Palmer
Administrative Law Judge
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Iowa Workforce Development
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Des Moines, Iowa 50319-0209
Fax (515) 478-3528

August 24, 2020
Decision Dated and Mailed

hlp/sam