

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KIMBERLY A SCALLON
Claimant

KIDQUEST
Employer

APPEAL NO. 21R-UI-04699-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

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

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated September 29, 2020, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on April 9, 2021. Claimant participated. Employer participated by David Kuehner and witnesses Kaleen Tierney and Michael Janssen.

ISSUES:

Whether claimant quit for good cause attributable to employer?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on March 4, 2020. Claimant had been allowed by employer to work from home from the period of February 11 through March 4. On March 4 claimant stated that her doctor said she was not to work at all. Claimant did not give employer a doctor's note to this effect. Claimant stayed off work throughout March until March 27 when claimant produced another doctor's note saying that claimant should quarantine as she had symptoms consistent with Covid. Claimant was never tested for Covid.

On April 9, Michael Janssen, as a member of the Board of Director's for employer, called claimant asking about her return to work. He indicated that employer was looking for claimant to return to work. Claimant submitted a resignation on the next day.

There was ongoing work available to claimant at the time she resigned from work.

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:

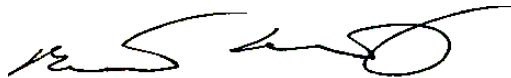
1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she did not feel ready to return to work when employer was asking her to return. Claimant did not produce a doctor's note which would have allowed her to stay off from work, and hadn't produced a doctor's note to cover any day since she stopped working from home on March 4, 2021 until the doctor had requested a self-quarantine on March 27, 2021.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.*

DECISION:

The decision of the representative dated September 29, 2020, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.



Blair A. Bennett
Administrative Law Judge

April 14, 2021
Decision Dated and Mailed

bab/scn