

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**DONA H LAMMERS**  
Claimant

**UNLIMITED SERVICES INC**  
Employer

**APPEAL 21A-UI-05830-DB-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

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

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the February 16, 2021 (reference 03) unemployment insurance decision that concluded the claimant was not eligible for benefits following her voluntary quitting of work. The parties were properly notified of the hearing. A telephone hearing was held on April 29, 2021. The claimant participated personally. The employer participated through witness Amy Vonderhaar. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

**ISSUE:**

Did the claimant voluntarily quit without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a caregiver and service manager. Her job duties included caring for clients who were unable to care for themselves.

Claimant tendered a written and verbal resignation on December 17, 2020, which stated that her last day she would be working was January 1, 2021. Claimant resigned from the position for multiple reasons. She was seeking a higher paying job, she disliked the management style of her new supervisor, and she had been offered a position to start with Hirshbach on January 4, 2021. A client that claimant cared for became infected with COVID-19. Claimant's supervisor telephoned her and asked if she wanted to continue working for the last two days of her resignation period in light of the client being positive for COVID-19. Claimant stated that she did not and her last day physically worked on the job was December 27, 2020. Claimant was not offered other work than with the client who had tested positive for COVID-19.

Claimant was scheduled to begin her position with Hirshbach on January 4, 2021; however, she was notified that her trainer contracted COVID-19 and her start date was pushed back two weeks. The Friday prior to the claimant again being scheduled to start, she was contacted by the employer and told they were revamping their training practices and she would not be

starting. That employer indicated that it may be February 14, 2021 before she would be contacted again. Claimant began full-time employment elsewhere on February 17, 2021.

Claimant had filed an initial claim for unemployment insurance benefits effective March 15, 2020. She filed an additional claim for unemployment insurance benefits effective December 27, 2020. She filed weekly continued claims for benefits from December 27, 2020 through January 30, 2021.

## REASONING AND CONCLUSIONS OF LAW:

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

Claimant had an intention to quit and carried out that intention by tendering her resignation. As such, 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).

If a claimant voluntarily quits for the sole purpose of accepting other or better employment, which they accept and perform services in, then the separation from employment with the previous employer is not disqualifying.

Iowa Code section 96.5(1)a 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. But the individual shall not be disqualified if the department finds that:

a. The individual left employment in good faith for the sole purpose of accepting other or better employment, which the individual did accept, **and the individual performed services in the new employment.** Benefits relating to wage credits earned with the employer that the individual has left shall be charged to the unemployment compensation fund. This paragraph applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

(emphasis added).

In this case, one of the reasons the claimant voluntarily quit was to accept other employment, however, the claimant never performed services in the new employment because her start date kept being pushed back. As such, Iowa Code § 96.5(1)a is not applicable in this case.

Claimant also voluntarily quit her position due to her dissatisfaction with the known wages and the management style of her supervisor. These are not considered good cause reasons to quit.

Iowa Admin. Code r. 871-24.25(13) 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:

(13) The claimant left because of dissatisfaction with the wages but knew the rate of pay when hired.

Iowa Admin. Code r. 871-24.25(21) provides:

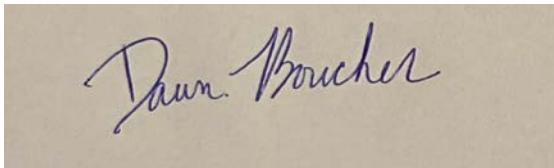
Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified 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:

(21) The claimant left because of dissatisfaction with the work environment.

As such, the claimant voluntarily quit without good cause attributable to the employer. Unemployment insurance benefits are denied effective December 27, 2020.

**DECISION:**

The February 16, 2021 (reference 03) unemployment insurance decision is affirmed. Claimant voluntarily quit work on December 27, 2020 without good cause attributable to the employer. Unemployment insurance benefits are denied until claimant has worked in and earned wages for insured work equal to ten times her weekly benefit amount after her separation date, and provided she is otherwise eligible.

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Dawn Boucher  
Administrative Law Judge

May 5, 2021  
Decision Dated and Mailed

db/scn

**Note to Claimant**

- If this decision determines you are not eligible for regular unemployment insurance benefits funded by the State of Iowa 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 funded by the State of Iowa under state law, you may qualify for benefits under the Federal Pandemic Unemployment Assistance (PUA) section of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) that discusses eligibility for claimant who are unemployed due to the Coronavirus public health emergency.
- You will need to apply for PUA benefits to determine your eligibility under the program. For additional information on how to apply for PUA go to: <https://www.iowaworkforcedevelopment.gov/pua-information>
- If you are denied regular unemployment insurance benefits funded by the State of Iowa and wish to apply for PUA benefits please visit: <https://www.iowaworkforcedevelopment.gov/pua-information> and scroll down to "Submit Proof Here." You will fill out the questionnaire regarding the reason you are not working and upload a picture or copy of your fact-finding decision. Your claim will be reviewed for PUA eligibility. If you are eligible for PUA, you will also be eligible for Federal Pandemic Unemployment Compensation (FPUC) until the program expires. Back payments of PUA benefits may automatically be used to repay any overpayment of state benefits. If this does not occur on your claim, you may repay any overpayment by visiting: <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>
- If you have applied for PUA benefits and have been approved for PUA benefits, this decision will not negatively affect your PUA benefits.