

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ROBIN L TROXEL
Claimant

REM IOWA COMMUNITY SERVICES INC
Employer

APPEAL NO. 20A-UI-05560-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 03/29/20
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Federal Law PL 116-136 Sec. 2104 – Eligibility for Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated May 28, 2020, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on July 10, 2020. Claimant participated. Employer participated by hearing representative Melissa Hill and witness Kim Brown.

ISSUES:

Whether claimant quit for good cause attributable to employer?

Whether claimant has been overpaid state unemployment benefits?

Whether claimant is eligible to receive Federal Pandemic Unemployment Compensation?

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 April 6, 2020. Claimant voluntarily quit on that date as she was distressed because she felt attacked with a letter sent by her supervisor to all direct service providers.

Claimant worked as a direct service provider for employer. She stated that during her time of employment she'd complained to everyone in management about the corruption, lies, and other inappropriate actions of employer, but nothing was done. Claimant did not give specific examples as to these complaints to management or what the complaints were concerning.

Claimant took a leave of absence after March 17, 2020 as she'd felt nauseous and had called the hospital and reported nausea. The hospital did not conduct tests, but asked claimant to stay home for a couple of weeks to self quarantine.

Claimant stated that she tried to contact leave of absence personnel, but no one would return her call. Claimant stated on April 5, 2020 she was told to return to work the next day by her supervisor. When claimant returned to work, she found a note from the director indicating that all direct service providers were to be sure to forward billings received from utilities providers to the office on the day they are received. The letter stated that employer was having difficulty paying bills in a timely manner, "because staff didn't do their part..." Claimant interpreted this to be a personal swipe at her and quit upon receipt of this note.

At the time of her quit, employer had ongoing work available for claimant.

Claimant has received state unemployment benefits in this matter in the amount of \$1,743.00.

Claimant has received Federal Pandemic Unemployment Compensation benefits in this matter in the amount of \$4,200.00.

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 was upset about a note sent from leadership to all direct service providers asking them to get the mail to the office the same day it was received. Claimant stated that there were a multitude of other reasons that led to her quit, but the only example she gave was the changing of hours. Employer explained that hours were changed months before claimant's quit and the changes were made to accommodate claimant's request for an afternoon off from work.

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.* Here, the employer is well within acceptable boundaries to write the note that she did. Claimant is certainly able to quit, but such quit is not for good cause attributable to employer. Benefits denied.

Iowa Code section 96.3(7) provides, in pertinent part:

7. Recovery of overpayment of benefits.

a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from

any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

b. (1) (a) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

Claimant has received state unemployment benefits in this matter in the amount of \$1,743.00. Said amount is an overpayment.

Claimant has received Federal Pandemic Unemployment Compensation benefits in this matter in the amount of \$4,200.00. Claimant is not eligible for the FPUC payments at this time as she is not eligible for regular state unemployment.

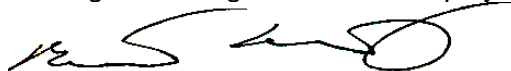
Note to Claimant: Even though claimant is not eligible for regular unemployment insurance benefits under state law, she may be eligible for federally funded unemployment insurance benefits under the Coronavirus Aid, Relief, and Economic Security Act ("Cares Act"), Public Law 116-136. Section 2102 of 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. **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>.

DECISION:

The decision of the representative dated May 28, 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.

Claimant has received state unemployment benefits in this matter in the amount of \$1743.00. Said amount is an overpayment.

Claimant has received Federal Pandemic Unemployment Compensation benefits in this matter in the amount of \$4200.00. Claimant is not eligible for the FPUC payments at this time as she is not eligible for regular state unemployment.



Blair A. Bennett
Administrative Law Judge

July 17, 2020
Decision Dated and Mailed

bab/scn