

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CORY GALL
Claimant

CSOI CORP
Employer

APPEAL 20A-UI-11635-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/19/20
Claimant: Respondent (2)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation Fact-finding Interview
PL 116-136, Sec. 2104(b) – Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

On September 22, 2020, the employer filed an appeal from the September 15, 2020, (reference 01) unemployment insurance decision that allowed benefits. The parties were properly notified about the hearing. A telephone hearing was held on November 10, 2020. Claimant did not register for the hearing and did not participate. Employer participated through general manager Ashley Thiessen. Employer's Exhibit 1 was received.

ISSUES:

Did claimant voluntarily leave the employment with good cause attributable to the employer or did employer discharge the claimant for reasons related to job misconduct sufficient to warrant a denial of benefits?

Has the claimant been overpaid unemployment insurance benefits, and if so, can the repayment of those benefits to the agency be waived?

Can charges to the employer's account be waived?

Is the claimant eligible for Federal Pandemic Unemployment Compensation (FPUC)?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on July 25, 2019. Claimant last worked as a part-time cashier. Claimant was separated from employment on November 3, 2019, when he abandoned the job.

Employer is a convenience store.

Claimant's last day of work was November 1, 2019. Employer notified claimant it was investigating allegations that he was doing illegal drugs on the job.

Claimant was scheduled to work on November 3, 2019. Claimant did not appear for his shift and did not report his absence. Claimant did not respond to employer when it tried to contact him.

Claimant was scheduled to work on November 5, 2019. Claimant had a no-call/no-show absence. The manager took him off the schedule at that time.

Claimant came into the workplace on November 8, 2019, to pick up his last paycheck. Claimant signed a document stating he was voluntarily resigning.

Claimant told another co-worker that he was resigning because he was afraid he was going to be arrested at work. Claimant also admitted to a supervisor that surveillance footage would show him buying marijuana in the work place during work hours.

Claimant has not received any unemployment insurance benefits since filing this claim.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

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.

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 (Ia. Dist. Ct. App. 1973).

In this case, claimant resigned rather than face the outcome of an investigation into reports he had been consuming illegal drugs in the workplace while working. This is not a good cause reason for resignation that attributable to employer. Thus, regular unemployment insurance benefits and FPUC benefits are denied. See PL 116-136, sec. 2104(b).

Claimant has not received any benefits since filing this claim, so he has not been overpaid unemployment insurance benefits.

DECISION:

The September 15, 2020, (reference 01) unemployment insurance decision is reversed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.



Christine A. Louis
Administrative Law Judge
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November 17, 2020
Decision Dated and Mailed

cal/mh

Note to Claimant: This decision determines you are not eligible for regular unemployment insurance benefits. 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. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, 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>.