

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LORI L JOHNSON
Claimant

L A LEASING INC
Employer

APPEAL 17A-UI-04075-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 02/26/17
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

Lori J. Johnson (claimant) filed an appeal from the April 10, 2017, reference 03, unemployment insurance decision that denied benefits based on the determination she voluntarily quit work to accept other employment but did not obtain the other employment which is not a good cause reason attributable to L A Leasing, Inc. (employer). The parties were properly notified about the hearing. A telephone hearing was held on May 4, 2017. The claimant participated. The employer participated through UI Benefits Administrator Colleen McGuinty and Branch Manager Shelby Kingery. No exhibits were offered or received into the record. Official notice was taken of the administrative record, specifically the claimant's appeal letter and her database readout (DBRO).

ISSUE:

Did the claimant voluntarily quit the employment with good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was hired as a temporary full-time employee working at Westrock, the employer's client, beginning on November 22, 2016. That assignment ended on February 7, 2017 and the claimant requested additional work, but none was available. The claimant had exhausted her unemployment insurance benefits for the claim year that began February 28, 2016 in August 2016.

The claimant filed her current claim for benefits the week of February 26, 2017. On March 2, 2017, the claimant began an assignment with the employer's client UFP Technologies (UFP) earning \$9.25 an hour. She worked 16.88 hours for the week ending March 4, 35.32 hours for the week ending March 11, and 8.25 hours for the week ending March 18. The administrative record shows, the claimant did not report any wages earned for those three weeks when she made her continued weekly claims for benefits.

The claimant's employment with the employer ended on March 13, 2017 when she quit. The claimant notified Branch Manager Shelby Kingery that the work at UFP was too easy and she

had found another job. The job she thought she had fell through as she was not hired by the new employer.

The claimant also quit because her mother has health problems. The claimant felt she was needed to provide care for her mother until the week beginning April 23, 2017. On April 24, 2017, the claimant contacted the employer and requested a new assignment. She was to return to her assignment with UFP on May 4, 2017; however, she contacted the employer the day before and stated that due to a recent decline in her mother's health, she would not be able to work.

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. Benefits are denied.

Iowa law disqualifies individuals who voluntarily quit employment without good cause attributable to the employer from receiving unemployment insurance benefits. Iowa Code § 96.5(1). Employees who leave due to other employment but do not secure new employment, leave for compelling personal reasons lasting longer than ten days, or leave due to family responsibilities are presumed to have voluntarily quit without good cause attributable to the employer. See Iowa Admin. Code r. 871-24.25. However, an employee who leaves for the "necessary and sole purpose" to care for an ill or injured immediate family member, returns to the employer immediately upon the family member's recovery to offer services, and no work is available will not be disqualified from receiving benefits. Iowa Code § 96.5(1)c.

The 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). The claimant contends she left employment solely to care for her ill mother. The employer contends the claimant left because the work was too easy and she had found another job.

It is the duty of the administrative law judge as the trier of fact in this case, to determine the credibility of witnesses, weigh the evidence and decide the facts in issue. *Arndt v. City of LeClaire*, 728 N.W.2d 389, 394-395 (Iowa 2007). The administrative law judge may believe all, part or none of any witness's testimony. *State v. Holtz*, 548 N.W.2d 162, 163 (Iowa App. 1996). In assessing the credibility of witnesses, the administrative law judge should consider the evidence using his or her own observations, common sense and experience. *Id.* In determining the facts, and deciding what testimony to believe, the fact finder may consider the following factors: whether the testimony is reasonable and consistent with other believable evidence; whether a witness has made inconsistent statements; the witness's appearance, conduct, age, intelligence, memory and knowledge of the facts; and the witness's interest in the trial, their motive, candor, bias and prejudice. *Id.*

After assessing the credibility of the witnesses who testified during the hearing, considering the applicable factors listed above, and using her own common sense and experience, the administrative law judge finds the employer's evidence to be more credible. The claimant's testimony was not consistent with other believable records. During her testimony, the claimant initially denied she quit for a new job and did not know why the agency would believe she had found a new job. However, in her appeal letter she specifically states she thought she had another job but did not get hired. It was only after Kingery testified the claimant told her that the

work was too easy and she found another job that the claimant acknowledged that is what she told the employer. The claimant also provided testimony inconsistent with agency records related to the filing of her claims. She denied filing her claim for benefits the week of February 26, 2017 because she was working. However, she did acknowledge filing her continued weekly claim for benefits each week and receiving unemployment insurance benefits. Additionally, not only does the administrative record show the dates she filed her claims, she did not report any wages earned even though she worked those weeks. The employer's testimony was consistent with other believable documents and it relied on first-hand witness testimony.

The claimant quit because the job was too easy and she thought she might get hired by another employer. The claimant did not get hired by the new employer. These reasons do not constitute good cause for leaving that is attributable to the employer. The claimant also had an ailing mother whose illness might have factored into her decision to quit. However, the claimant did not leave for the sole purpose of caring for her mother which means she is not qualified for benefits under the exception detailed in Iowa Code section 96.5(1)c. The claimant has not met the burden of proof to show she voluntarily left employment with good cause attributable to the employer. Benefits are denied.

DECISION:

The April 10, 2017, reference 03, unemployment insurance decision is affirmed. The claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/rvs