

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**JAMILYN VER STEEGH**  
Claimant

**CITY OF CEDAR FALLS**  
Employer

**APPEAL 20A-UI-06464-HP-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/19/20**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.5(2) – Discharge Due to Misconduct

**STATEMENT OF THE CASE:**

Claimant Jamilyn Ver Steegh filed an appeal from a June 16, 2020 (reference 01) unemployment insurance decision that denied benefits based upon her voluntarily quitting work without good cause attributable to the employer, the City of Cedar Falls. ("City"). Notices of hearing were mailed to the parties' last known addresses of record for a telephone hearing scheduled for July 23, 2020. Ver Steegh appeared and testified. Coleen Sole and Christopher Schoentage appeared and testified on behalf of the City. Exhibit 1 was admitted into the record. I also took administrative notice of the claimant's unemployment insurance benefits records maintained by Iowa Workforce Development.

**ISSUE:**

Was the separation a layoff, discharge for misconduct or voluntary quit without good cause?

**FINDINGS OF FACT:**

Ver Steegh is a student at the University of Northern Iowa ("UNI"). Ver Steegh commenced part-time employment with the City on February 12, 2019, as a front desk supervisor for the Cedar Falls Recreation and Fitness Center. Schoentage was her direct supervisor.

Ver Steegh was absent from work for an out-of-state vacation during spring break. The last day she worked was March 11, 2020.

While she was on vacation, Ver Steegh received notice she needed to move out of the dormitory at UNI no later than March 23, 2020. Ver Steegh sent an e-mail to Schoentage stating she had to move out of the dormitory no later than March 23, 2020, and that she would be moving home with her parents. Schoentage responded stating she should turn in her keys. Ver Steegh returned to Cedar Falls and turned in her keys. The City considered she quit her employment.

No one from the City told Ver Steegh she was being terminated or subject to layoff. Ver Steegh did not want to commute more than 100 miles from her parents' home to the City for work. Ver Steegh has not requested to return to work. Sole testified continuing work was available and is available to Ver Steegh.

## 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: . . . If the individual has left work voluntarily without good cause attributable to the individual’s employer, if so found by the department.” The Iowa Supreme Court has held a “voluntary quit” means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer.” *Wills v. Emp’t Appeal Bd.*, 447 N.W.2d 137, 138 (Iowa 1989). A voluntary quit requires “an intention to terminate the employment relationship accompanied by an overt act carrying out the intent.” *Peck v. Emp’t Appeal Bd.*, 492 N.W.2d 438, 440 (Iowa Ct. App. 1992). “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).

871 Iowa Administrative Code 24.25(2) 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 following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer: . . . .

**24.25(2)** The claimant moved to a different locality.

Ver Steegh left her position with the City when her dormitory closed and she moved to her parents’ home over 100 miles away. Ver Steegh denied she quit at hearing. There was no evidence presented the City terminated her or subjected her to layoff. Ver Steegh chose not to return to work after her vacation because she was moving home with her parents and she did not want to commute over 100 miles to work. She then applied for unemployment benefits, asserting her employment had ended. Sole testified continuing work was available and is available to Ver Steegh. I find Ver Steegh voluntarily quit her employment. The City did not cause her to move home with her parents. Therefore, her voluntary quit is presumed to be without good cause attributable to the City and benefits must be denied.

## DECISION:

### Regular Unemployment Insurance Benefits Under State Law

The June 16, 2020 (reference 01) unemployment insurance decision denying unemployment insurance benefits is affirmed. Claimant voluntarily quit her employment with the employer on March 20, 2020. Unemployment insurance benefits are denied until the 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.

### Pandemic Unemployment Assistance (“PUA”) Under the Federal CARES Act

As I discussed during the hearing, even though the claimant is not eligible for regular unemployment insurance benefits under state law, the claimant may be eligible for federally funded unemployment insurance benefits under the CARES Act. Section 2102 of the CARES Act creates a new temporary federal program called Pandemic Unemployment Assistance (“PUA”) that may provide up to 39 weeks of unemployment benefits. An individual receiving PUA benefits

may also receive an additional \$600 weekly benefit amount under the Federal Pandemic Unemployment Compensation program if the individual is eligible for PUA benefits for the week claimed. This decision does not address whether the claimant is eligible for PUA. If the claimant wishes to receive PUA benefits, the claimant must apply for PUA, as noted in the instructions provided in the "Note to Claimant" below:

**Note to Claimant:** If this decision determines you are not eligible for regular unemployment insurance benefits and 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, 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>.** This decision denies benefits. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits.



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Heather L. Palmer  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515) 478-3528

July 30, 2020

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Decision Dated and Mailed

hlp/sam