

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**SHANTE BARNES**  
Claimant

**APPEAL 20A-UI-07181-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**KUM & GO LC**  
Employer

**OC: 04/19/20**  
**Claimant: Respondent (2)**

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Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment  
Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation Fact-finding Interview  
Public Law 116-136 § 2104(b) – Federal Pandemic Unemployment Compensation

**STATEMENT OF THE CASE:**

On June 29, 2020, Kum & Go, LC (employer) filed an appeal from the June 19, 2020, reference 04, unemployment insurance decision that allowed benefits based upon the determination Shante Barnes (claimant) was not discharged for willful or deliberate misconduct. The parties were properly notified about the hearing held by telephone on August 5, 2020. The claimant did not respond to the hearing notice and did not participate. The employer participated through Sarah Crispen, General Manager. No exhibits were offered into the record. The administrative law judge took official notice of the administrative record, specifically the claimant's claim and wage histories.

**ISSUES:**

Did the claimant voluntarily quit employment with good cause attributable to the employer?  
Has the claimant been overpaid regular unemployment insurance benefits and, if so, can the repayment of those benefits to the agency be waived and charged to the employer's account?  
Has the claimant been overpaid Federal Pandemic Unemployment Compensation (FPUC)?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full-time as an Overnight Shift Lead beginning on October 1, 2019, and her last day worked was October 9, during her two-week training period. She was scheduled for additional shifts through October 15, but she did not report to work nor did she notify the employer she would be absent. The claimant did not have any communication with the employer after October 9 and her employment ended on October 15.

The claimant has not received any regular unemployment benefits or FPUC since filing a claim with an effective date of April 19, 2020. The employer has not established that it provided a first-hand witness or any documentation for the fact-finding interview.

## REASONING AND CONCLUSIONS OF LAW:

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

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.

Iowa Admin. Code r. 871-24.25 provides, in relevant part:

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:

...

(12) The claimant left without notice during a mutually agreed upon trial period of employment.

...

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

...

(27) The claimant left rather than perform the assigned work as instructed.

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's decision to leave employment without notice or reason and her failure to return to work renders the separation job abandonment without good cause attributable to the employer. Benefits are denied.

As the claimant has not received any benefits to date, the issues of overpayment and the chargeability of the employer's account due to participation in the fact-finding interview are moot.

**DECISION:**

*Regular Unemployment Insurance Benefits Under State Law*

The June 19, 2020, reference 04, unemployment insurance decision is reversed. 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. As the claimant has not received any benefits to date, the issues of overpayment and the chargeability of the employer's account due to participation in the fact-finding interview are moot.

*Pandemic Unemployment Assistance (PUA) Under the Federal CARES Act*

Even though the claimant is not eligible for regular unemployment insurance benefits under state law, she 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, in general, provides up to 39 weeks of unemployment benefits. An individual receiving PUA benefits may also receive the \$600 weekly benefit amount in FPUC. This decision does not address whether the claimant is eligible for PUA. For a decision on such eligibility, the claimant must apply for PUA, as noted in the instructions provided in the "Note to Claimant" below.



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Stephanie R. Callahan  
Administrative Law Judge

August 13, 2020  
Decision Dated and Mailed

src/sam

*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, 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>.