

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MEGHAN R SUNGA
Claimant

THE IOWA CLINIC PC
Employer

APPEAL NO. 20A-UI-03909-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

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

Iowa Code Section 96.5(1) – Voluntary Quit
Iowa Code Section 96.3(7) – Recovery of Overpaid Benefits
Public Law 116-136, Section 2104(b) – Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

Meghan Sunga filed a timely appeal from the April 28, 2020, reference 01 decision that disqualified her for benefits and that relieved the employer's account of liability for benefits, based on the deputy's conclusion that Ms. Sunga voluntarily quit on March 13, 2020 without good cause attributable to the employer. After due notice was issued, a hearing was held on May 28, 2020. Ms. Sunga participated. The employer did not provide a telephone number for the hearing and did not participate. Exhibits A and B were received into evidence. The administrative law judge took official notice of the Agency's administrative record of benefits paid to Ms. Sunga (DBRO and KPYX).

ISSUES:

Whether the claimant's voluntary quit was for good cause attributable to the employer.
Whether the claimant was overpaid state unemployment insurance benefits.
Whether the claimant was overpaid Federal Pandemic Unemployment Compensation.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Meghan Sunga was employed by The Iowa Clinic, P.C. as a full-time Patient Services Specialist 2 from March 2019 until March 13, 2020, when she voluntarily quit the employment. Ms. Sunga's duties involved answering phones, scheduling patient appointments, triaging emergency phone calls, and e-filing. Tyler Dettman was Ms. Sunga's supervisor. On March 28, 2020, Ms. Sunga notified Mr. Dettman that she was giving her two-week notice that she would be quitting the employment. Ms. Sunga left the employment because she found the work very stressful. The sources of Ms. Sunga's stress including being on the phone throughout her work day, being subject to monitoring of her time use throughout her work day, having to meet performance metrics that were put in place three months before she resigned, and having to deal with rude nurses and rude customers. Dealing with rude nurses and rude patients was part of the employment throughout the employment. Ms. Sunga left about a month after she learned the employer had not selected her for promotion to a supervisory position. Ms. Sunga had told the employer she would be moving on to other employment if she did not get the supervisory

position. Ms. Sunga had not accepted other employment at the time she separated from The Iowa Clinic, P.C.

Ms. Sunga established an original claim for benefits that was effective March 29, 2020. Iowa Workforce Development disbursed \$848.00 in regular state benefits to Ms. Sunga for the two-week period of April 5-18, 2020. Iowa Workforce Development also disbursed \$1,200.00 in Federal Pandemic Unemployment Compensation to Ms. Sunga for the two-week period of April 5-18, 2020.

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 698, 612 (Iowa 1980) and *Peck v. EAB*, 492 N.W.2d 438 (Iowa App. 1992).

Iowa Admin. Code r. 871-24.25(21) 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 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:

- (21) The claimant left because of dissatisfaction with the work environment.

Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See Iowa Admin. Code r. 871-24.26(4). The test is whether a reasonable person would have quit under the circumstances. See *Aalbers v. Iowa Department of Job Service*, 431 N.W.2d 330 (Iowa 1988) and *O'Brien v. Employment Appeal Bd.*, 494 N.W.2d 660 (1993). Aside from quits based on medical reasons, prior notification of the employer before a resignation for intolerable or detrimental working conditions is not required. See *Hy-Vee v. EAB*, 710 N.W.2d (Iowa 2005).

The weight of the evidence in the record establishes a March 13, 2020 voluntary quit that was without good cause attributable to the employer. The evidence indicates that Ms. Sunga left due to dissatisfaction with the working conditions following the employer's decision not to promote her to particular supervisory position. Ms. Sunga's dissatisfaction with the work environment and conditions had increased in response to the employer's implementation of work performance and time management metrics three months prior to her quit, but had elected

to remain in the employment for a considerable period after those changes. Dealing with some rude, abrasive nurses and patients was part of the employment throughout the employment. The weight of the evidence does not establish working conditions that rose to the level of intolerable and/or detrimental working conditions that would have prompted a reasonable person to leave the employment. Ms. Sunga is disqualified for benefits until she has worked in and been paid wages for insured work equal to 10 times her weekly benefit amount. Ms. Sunga must meet all other eligibility requirements. The employer's account shall not be charged for benefits.

Iowa Code section 96.3(7) provides that if a claimant receives benefits and is deemed ineligible for the benefits, Workforce Development must recover the benefits and the claimant must repay the benefits, even if the claimant was not at fault in receiving the benefits.

Because this decision affirms the disqualification decision, the \$848.00 in regular state benefits that Ms. Sunga received for the two-week period of April 5-18, 2020 is an overpayment of benefits. Ms. Sunga must repay the overpaid benefits.

PL116-136, Sec. 2104 provides, in pertinent part:

(b) Provisions of Agreement

(1) Federal pandemic unemployment compensation.--Any agreement under this section shall provide that the State agency of the State will make payments of regular compensation to individuals in amounts and to the extent that they would be determined if the State law of the State were applied, with respect to any week for which the individual is (disregarding this section) otherwise entitled under the State law to receive regular compensation, as if such State law had been modified in a manner such that the amount of regular compensation (including dependents' allowances) payable for any week shall be equal to

(A) the amount determined under the State law (before the application of this paragraph), plus

(B) an additional amount of \$600 (in this section referred to as "Federal Pandemic Unemployment Compensation").

....

(f) Fraud and Overpayments

(2) Repayment.--In the case of individuals who have received amounts of Federal Pandemic Unemployment Compensation to which they were not entitled, the State shall require such individuals to repay the amounts of such Federal Pandemic Unemployment Compensation to the State agency...

Because Ms. Sunga is disqualified from receiving regular unemployment insurance (UI) benefits, she is also disqualified from receiving Federal Pandemic Unemployment Compensation (FPUC). The \$1,200.00 in Federal Pandemic Unemployment Compensation that Ms. Sunga received for the two-week period of April 5-18, 2020 is an overpayment of benefits. Ms. Sunga must repay the overpaid benefits.

DECISION:

The April 28, 2020, reference 01, decision is affirmed. The claimant voluntarily quit the employment on March 13, 2020 without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to 10 times her weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged. The claimant is overpaid \$848.00 in regular state benefits for the two-week period of April 5-18, 2020. The claimant is overpaid \$1,200.00 in Federal Pandemic Unemployment Compensation for the two-week period of April 5-18, 2020. The claimant must repay the overpaid state and federal benefits.



James E. Timberland
Administrative Law Judge

June 17, 2020
Decision Dated and Mailed

jet/sam