

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**DALTON GREGORY**  
Claimant

**CASEY'S MARKETING COMPANY**  
Employer

**APPEAL 21A-UI-08611-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/22/20**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting of Work

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the March 16, 2021 (reference 01) unemployment insurance decision that denied benefits to the claimant based upon a voluntary quitting of work. The parties were properly notified of the hearing. A telephone hearing was held on June 9, 2021. The claimant participated personally and was represented by Attorney James Comstock. The employer, Casey's Marketing Company, did not participate. Claimant's Exhibits 1, 2, and 3 were admitted. The administrative law judge took official notice of the claimant's unemployment insurance benefits records.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant began his employment with this employer in February of 2019 and his employment ended on or about September 14, 2019 when the claimant voluntarily quit. He tendered a verbal two-week notice to his supervisor. Claimant was employed as a part-time employee but was working more hours than he wanted to. He did not discuss this problem with his supervisor prior to quitting. He made a personal family decision to quit in order to care for his family.

Claimant began working again for W.I.T.A. LLC in January of 2020. His gross wages paid in the first quarter of 2020 were \$3,243.00 and wages paid in the second quarter of 2020 were \$373.00. Claimant filed his initial claim for unemployment insurance benefits funded by the State of Iowa with an effective date of March 22, 2020 when he was laid off from W.I.T.A. Inc. His established weekly-benefit amount was \$391.00.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

When an initial claim for unemployment insurance benefits is filed, a base period consisting of the first four of the last five completed quarters is established. All separations from employment during the base period are investigated.

Iowa Code §96.5(1) provides:

An individual shall be disqualified for benefits:

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 had an intention to quit and carried out that intention by tendering his verbal notice to his supervisor. As such, 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). In this case, the claimant voluntarily quit in order to care for his family. This is not considered a good cause reason for quitting which is *attributable* to the employer.

Iowa Admin. Code r. 871-24.25(23) 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:

(23) The claimant left voluntarily due to family responsibilities or serious family needs.

As such, the separation from employment is disqualifying. If a claimant has a disqualifying separation from employment during the established base period, he may requalify for benefits by earning ten times his weekly-benefit amount in insured wages after the disqualifying separation from employment. Iowa Code § 96.5(1)g.

Iowa Code section 96.5(1)g provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

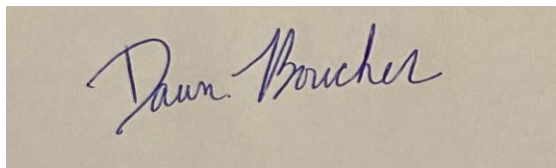
1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department. But the individual shall not be disqualified if the department finds that:

g. The individual left work voluntarily without good cause attributable to the employer under circumstances which did or would disqualify the individual for benefits, except as provided in paragraph "a" of this subsection but, subsequent to the leaving, the individual worked in and was paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

In this case, the claimant's established weekly-benefit amount was \$391.00 and claimant would need to be paid \$3,910.00 in insured wages in order to requalifying for regular State of Iowa funded benefits. Claimant's administrative records establish that he was paid \$3,616.00 in insured wages prior to filing his March 22, 2020 original claim for unemployment insurance benefits. As such, the claimant had not been paid ten times his weekly benefit amount in insured wages at the time of filing and the disqualifying separation from employment remains in effect.

**DECISION:**

The March 16, 2021 (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily quit employment without good cause attributable to the employer. Unemployment insurance benefits funded by the State of Iowa are denied until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount after his September 14, 2019 separation date, and provided he is otherwise eligible.



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Dawn Boucher  
Administrative Law Judge

June 23, 2021  
Decision Dated and Mailed

db/lj

**Note to Claimant**

- This decision may determine you are not eligible for regular unemployment insurance benefits funded by the State of Iowa under state law and 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.
- If you do not qualify for regular unemployment insurance benefits funded by the State of Iowa under state law, you may qualify for benefits under the Federal Pandemic Unemployment Assistance ("PUA") section of the Coronavirus Aid, Relief, and Economic Security Act ("Cares Act") that discusses eligibility for claimants who are unemployed due to the Coronavirus.
- You will need to apply for PUA to determine your eligibility under the program. For additional information on how to apply for PUA go to:

<https://www.iowaworkforcedevelopment.gov/pua-information>.

- **If have been denied PUA benefits you will need to file a separate appeal to the PUA decision. If you are seeking a backdating of your PUA benefits to cover weeks in which you were subsequently found ineligible for State of Iowa funded benefits, you will need to file an appeal to your PUA decision.**