

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ALEXANDRYA K. MORAN
Claimant

HY-VEE, INC.
Employer

APPEAL 20A-UI-10705-BH-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/07/20
Claimant: Appellant (1)

Iowa Code section 96.5(1) – Voluntary Quit

Iowa Administrative Code rule 871-24.25 – Voluntary Quit Without Good Cause Attributable to the Employer

Iowa Administrative Code rule 871-24.26 – Voluntary Quit With Good Cause Attributable to the Employer

STATEMENT OF THE CASE:

The claimant, Alexandrya K. Moran, appealed the September 1, 2020 (reference 03) unemployment insurance decision that denied benefits based upon a finding Moran voluntarily quit her job with Hy-Vee, Inc. (Hy-Vee) without good cause attributable to the employer. The agency properly notified the parties of the appeal and hearing.

The undersigned presided over a telephone hearing on October 16, 2020. Moran participated personally and testified. Hy-Vee participated through employer representative Barbara Buss of Corporate Cost Control and human resources generalist Jenny Paullin, who testified.

ISSUES:

Was Moran's separation from employment with Hy-Vee a layoff, discharge for misconduct, or voluntary quit without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the undersigned finds the following facts.

Hy-Vee hired Moran as a part-time summer intern in human resources at its corporate offices in West Des Moines, Iowa. The parties understood from the outset that Moran would work as an intern until she had to return to college in the autumn. Moran voluntarily resigned on August 19, 2019, to go back to Simpson College in Indianola, Iowa.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the undersigned concludes Moran voluntarily left employment with Hy-Vee without good cause attributable to the employer under the Iowa Employment Security Law, Iowa Code chapter 96.

Iowa Code section 96.5(1) disqualifies a claimant from benefits if the claimant quit she job without good cause attributable to the employer. The Iowa Supreme Court has held that good cause requires “real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the element of good faith.” *Wiese v. Iowa Dep’t of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). Moreover, the court has advised that “common sense and prudence must be exercised in evaluating all of the circumstances that lead to an employee’s quit in order to attribute the cause for the termination.” *Id.*

According to the Iowa Supreme Court, good cause attributable to the employer does not require fault, negligence, wrongdoing or bad faith by the employer. *Dehmel v. Emp’t Appeal Bd.*, 433 N.W.2d 700, 702 (Iowa 1988). Good cause may be attributable to “the employment itself” rather than the employer personally and still satisfy the requirements of the Act. *E.g. Raffety v. Iowa Emp’t Sec. Comm’n*, 76 N.W.2d 787, 788 (Iowa 1956).

A burden-shifting framework is used to evaluate quit cases. Because an employer may not know why a claimant quit, the claimant has the initial burden to produce evidence suggesting the claimant is not disqualified from benefits under Iowa Code section 96.5(1) *a* through *j* and section 96.10. If the claimant produces such evidence, the employer has the burden to prove the claimant is disqualified from benefits under section 96.5(1).

Iowa Administrative Code rule 871-24.25 creates a presumption a claimant quit without good cause attributable to the employer in certain circumstances. Iowa Administrative Code rule 871-24.26 identifies reasons for quitting that are considered for good cause attributable to the employer. Under rule 871-24.25(26), it is presumed the claimant quit without good cause attributable to the employer if the claimant left to go to school.

Here, the evidence shows that Moran left her internship with Hy-Vee to go to school at Simpson College. She therefore quit her job without good cause attributable to the employer under Iowa Code section 96.5(1) and rule 871-24.25(26). Benefits are denied.

DECISION:

Regular Unemployment Insurance Benefits Under State Law

The September 1, 2020 (reference 03) unemployment insurance decision is affirmed. Moran voluntarily left employment without good cause attributable to Hy-Vee. Benefits are withheld until such time as Moran has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Pandemic Unemployment Assistance (PUA) Under the Federal CARES Act

Even though Moran 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 (WBA) under the Federal Pandemic Unemployment Compensation (FPUC) program if Moran is eligible for such compensation for the week claimed.

This decision does not address whether Moran is eligible for PUA. For a decision on such eligibility, Moran must apply for PUA, as noted in the instructions provided in the "Note to Claimant" below.



Ben Humphrey
Administrative Law Judge

October 19, 2020
Decision Dated and Mailed

bh/scn

NOTE TO CLAIMANT:

- This decision determines you are not eligible for regular unemployment insurance benefits under state law. 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 under state law and are currently unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.**
- For more information about PUA, go to:

<https://www.iowaworkforcedevelopment.gov/pua-information>
- To apply for PUA, go to:

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