

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

HAILEE SLEEZER
Claimant

TARGET CORPORATION
Employer

APPEAL 20A-UI-06704-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 Hailee Sleezer filed an appeal from a June 12, 2020 (reference 01) unemployment insurance decision that denied benefits based upon her voluntarily quitting work without good cause attributable to the employer, Target Corporation (“Target”). Notices of hearing were mailed to the parties’ last known addresses of record for a telephone hearing scheduled for July 30, 2020. Sleezer appeared and testified. Sherry Mikisch appeared and testified on behalf of Target. I 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:

Sleezer is a student at the University of Iowa. Sleezer commenced part-time employment with Target on July 2, 2019. Lauren Pike was her immediate supervisor.

March 8, 2020, was the last day Sleezer performed services for Target. Sleezer went home to her parents’ home and took vacation from March 12, 2020 through March 20, 2020.

On March 25, 2020, one of the employees at Target tested positive for Covid-19. Mikisch, the executive director of human resources, called every team member. She left a message for Sleezer. Sleezer was scheduled to work on March 28, 2020. Sleezer called and reported she was going to be absent. Target approved her leave request.

Many employees of Target were concerned about Covid-19. Target determined it would offer employees paid leaves of absence with medical documentation stating the employees should not be at work, an unpaid leave of absence for those without medical documentation, or intermittent leaves up to fourteen days.

The first week of April 2020, Mikisch contacted Sleezer. Sleezer told her that her parents did not want her to work in retail because she has a young relative and grandparents with medical issues.

Mikisch testified Sleezer told her she wanted to resign. Mikisch further testified she asked Sleezer whether she was certain she wanted to resign, because she could take a leave of absence. Sleezer did not opt to take a leave of absence and Target determined she quit.

In June 2020, Sleezer contacted Target wanting to return to work. Mikisch told her she had resigned and she could reapply for employment, but given an increase in the hourly rate due to Covid-19, Target had hired new associates and would not have an opening for at least a month. Sleezer told Mikisch she needed money and Mikisch told her she might receive benefits under the Cares Act.

Sleezer denied she resigned. Mikisch testified she offered all employees a leave of absence and read the employees a script to ensure the information was uniform.

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.

Sleezer testified she did not resign. Mikisch testified she did resign. This raises an issue of credibility. During the hearing I assessed the credibility of Sleezer and Mikisch by considering whether their testimony was reasonable and consistent with other evidence I believe, whether they had made inconsistent statements, their “appearance, conduct, memory and knowledge of the facts,” and their interest in the case. *State v. Frake*, 450 N.W.2d 817, 819 (Iowa 1990). I do not find Sleezer’s testimony reasonable and consistent with the other evidence I believe. I do find Mikisch’s testimony reasonable and consistent with the other evidence I believe.

Sleezer testified she worked twenty to twenty-eight hours per week during the school year between August and March. Mikisch testified Sleezer worked an average of 11.86 from January 2020 Until March 8, 2020. Sleezer did not recall dates correctly during the hearing. Mikisch testified she contacted all of the employees to see if they wanted to continue to come to work or take leaves given Covid-19. Mikisch testified she read a script to all employees offering each employee the options of taking intermittent leaves up to fourteen days, a leave with pay if supported by medical documentation, or an unpaid leave if the employee did not have medical

documentation. I find Sleezer went home to her parents' home when the Covid-19 outbreak occurred. She did not work for Target after March 8, 2020. When Mikisch contacted her, Sleezer did not request a leave of absence. I find Sleezer resigned after she had moved home with her parents. Target did not cause Sleezer to move home with her parents. I find Sleezer voluntarily quit without good cause attributable to Target. Benefits are denied.

DECISION:

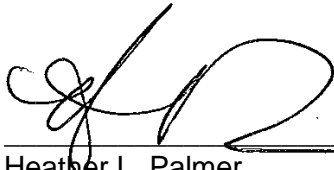
Regular Unemployment Insurance Benefits Under State Law

The June 12, 2020 (reference 01) unemployment insurance decision denying unemployment insurance benefits is affirmed. Claimant voluntarily quit her employment with the employer on March 8, 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

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 ("FPUC") program if the individual is eligible for PUA benefits for the week claimed. The FPUC additional \$600 payment per week ends as of July 25th in Iowa. This means the \$600 weekly additional benefit will stop and at this time, no extension or change to the program has been made by Congress at this time. This does mean that you will see a corresponding decrease in your weekly benefit amount. The FPUC payments are not a state benefit and Iowa is unable to make any changes to the availability of this benefit. If a change takes place to this benefit in the future, IWD will share on the IWD website and social media. 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.



Heather L. Palmer
Administrative Law Judge
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August 6, 2020
Decision Dated and Mailed

hlp/sam