

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ASHOK K. CHAUDHARY
Claimant

APPEAL 20A-UI-09622-BH-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE UNIVERSITY OF IOWA
Employer

OC: 03/22/20
Claimant: Appellant (2)

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, Ashok K. Chaudhary, appealed the August 6, 2020 (reference 01) unemployment insurance decision that denied benefits based upon a finding Chaudhary voluntarily quit his job with The University of Iowa (The University) 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 September 21, 2020. Chaudhary participated personally and testified. The University participated through human resources business analyst Jessica Wade, who testified. Claimant's Exhibits A, B, and C were admitted into evidence.

ISSUES:

Was Chaudhary's separation from employment with The University 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.

The University hired Chaudhary on April 26, 2018. He worked part time as an assistant research scientist on a clinical trial. The grant funding the trial and Chaudhary's position was not renewed, so the funding was set to end. The University informed Chaudhary that he would be laid off at the end of November or beginning of December due to the grant that funded the trial and his position not being renewed. Chaudhary resigned effective December 2, 2019, and moved to California with his wife, who obtained employment there.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the undersigned concludes Chaudhary voluntarily left employment with The University 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(2), it is presumed the claimant quit without good cause attributable to the employer if the claimant moved to a different locality.

In the current case, the evidence allows Chaudhary to overcome the presumption created under rule 871-24.25(2). The evidence shows that Chaudhary’s position would have been eliminated in early December due to lack of funding regardless of whether he resigned. Rule 871-24.26(13) states:

A claimant who, when told of a scheduled future layoff, leaves employment before the layoff date shall be deemed to be not available for work until the future separation date designated by the employer. After the employer-designated date, the separation shall be considered a layoff.

Here, the evidence shows Chauhary last performed work for and was paid by the University in November. This suggests Chauhary’s employment may have effectively ended sooner due to lack of funding than his resignation date of December 2, 2019. Nonetheless, the evidence shows it is more likely than not that Chauhary left employment before the employer-designated separation date necessitated by the lack of funding. Chauhary’s layoff would have become final on or about December 14, 2019. Benefits are therefore allowed on or after December 14, 2019, provided Chauhary is otherwise eligible.

DECISION:

The August 6, 2020 (reference 01) unemployment insurance decision is reversed. Chaudhary's employment with the University would have ended due to layoff on December 14, 2019. Benefits are allowed on or after December 14, 2019, provided Chaudhary is otherwise eligible under the law. All benefits withheld due to the August 6, 2020 (reference 01) decision shall be paid.



Ben Humphrey
Administrative Law Judge

September 23, 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>