

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**CASEY L COPELAND**  
Claimant

**CASEY'S MARKETING COMPANY**  
Employer

**APPEAL 20A-UI-05768-BH-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/26/20**  
**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, Casey L. Copeland, appealed the June 8, 2020 (reference 01) unemployment insurance decision that denied benefits based upon a finding Copeland voluntarily quit her job with Casey's Marketing Company (Casey's) 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 July 9, 2020. Copeland participated personally and testified. Casey's participated through Copeland's manager when she worked for the employer, Sandy Duncan, who testified.

**ISSUES:**

Was Copeland's separation from employment with Casey's 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.

Casey's hired Copeland on November 1, 2017. She worked full time as a donut maker and food service manager. On December 2, 2019, Copeland submitted her resignation. Casey's accepted her resignation effective December 26, 2019.

Copeland had symptoms of bilateral carpal tunnel syndrome for years. Her symptoms included numbness, pain, and weakness in both hands and arms. Copeland attributes her bilateral carpal tunnel syndrome to working, but not to her work at Casey's. She also had tendonitis.

It was not until 2019 that Copeland sought treatment for her symptoms. She required surgery. Casey's placed Copeland on leave under the federal Family and Medical Leave Act of 1993 (FMLA) for her surgery and recovery.

Copeland exhausted her leave under the FMLA. Copeland's treating physician would not release her to return to work. Consequently, Copeland submitted her resignation by email to the Casey's corporate office on December 2, 2019. Duncan received the email on December 24, 2019. Casey's ended Copeland's employment on December 26, 2019. Casey's had continuing work available for Copeland had she not quit.

After Copeland's resignation from Casey's, she has had ongoing medical problems that prevent her from working. At the time of hearing, she was not able to work or seeking work.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the undersigned concludes Copeland left employment with Casey's voluntarily and 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 her 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. Employment 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 Employment Sec. Comm'n*, 76 N.W.2d 787, 788 (Iowa 1956).

A burden-shifting framework is used to evaluate quit cases under Iowa Administrative Code rule 871-24.25. 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. Under rule 871-24.25(35), a claimant is deemed to have voluntarily left employment without good cause attributable to the employer if:

The claimant left because of illness or injury which was not caused or aggravated by the employment or pregnancy and failed to:

a. Obtain the advice of a licensed and practicing physician;

- b. Obtain certification of release for work from a licensed and practicing physician;
- c. Return to the employer and offer services upon recovery and certification for work by a licensed and practicing physician; or
- d. Fully recover so that the claimant could perform all of the duties of the job.

Here, the evidence shows that Copeland had health issues. There is an insufficient basis in the evidence from which to conclude Copeland's health issues were related to her work with Casey's. Therefore, Copeland's bilateral carpal tunnel syndrome and tendonitis are not related to employment at Casey's.

Because Copeland's health issues were not related to her employment at Casey's, rule 871-24.25(35) applies. Copeland has not met the requirements under paragraphs (b), (c), or (d) because her functional limitations following surgery and recovery have prevented her from doing so. Iowa law dictates that Copeland is therefore not eligible for benefits because she is deemed to have voluntarily left her employment with Casey's without good cause attributable to the employer.

#### **DECISION:**

##### **Regular Unemployment Insurance Benefits Under State Law**

The June 8, 2020 (reference 01) unemployment insurance decision is affirmed. Copeland voluntarily left employment without good cause attributable to Casey's. Benefits are withheld until such time as Copeland 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 Copeland 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 she is eligible for such compensation for the week claimed.

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



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Ben Humphrey  
Administrative Law Judge

August 5, 2020  
Decision Dated and Mailed

bh/sam

**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 how to apply for PUA, go to:

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