

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**JUAN M MORENO**  
Claimant

**WELLS ENTERPRISES INC**  
Employer

**APPEAL 20A-UI-10524-BH-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/24/20**  
**Claimant: Appellant (1)**

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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, Juan M. Moreno, appealed the August 21, 2020 (reference 01) unemployment insurance decision that denied benefits based upon a finding Moreno voluntarily quit her job with Wells Enterprises, Inc. (Wells) 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 13, 2020. Moreno participated personally and testified. Wells did not participate. CTS LanguageLink provided Spanish interpretation services.

**ISSUE:**

Was Moreno's separation from employment with Wells 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.

Wells hired Moreno on March 3, 2020. He worked full time as a seasonal employee on the production line. After contracting COVID-19, Moreno resigned from his employment with Wells on June 8, 2020, because he was concerned about who would care for his wife, who has diabetes and was living alone in Puerto Rico, if she contracted the virus.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the undersigned concludes Moreno voluntarily left employment with Wells 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 their 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(23), it is presumed a claimant voluntarily quit without good cause attributable to the employer if the claimant “left voluntarily due to family responsibilities or serious family needs.”

Here, the evidence shows that Moreno voluntarily resigned because he was concerned about the wellbeing of his wife, who has diabetes, if she contracted COVID-19. Because she was living alone in Puerto Rico at the time, she had no one to care for her. Consequently, Moreno quit his job to move back to Puerto Rico so he could be with her.

While Moreno had a good personal reason to quit his employment with Wells, it does not constitute good cause attributable to the employer under Iowa Code section 96.5(1) and rule 871-24.25(23). Moreno is consequently not eligible for regular unemployment insurance benefits under Iowa law. Benefits are denied.

## **DECISION:**

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

The August 21, 2020 (reference 01) unemployment insurance decision is affirmed. Moreno voluntarily left employment without good cause attributable to Wells. Benefits are withheld until such time as Moreno has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

### **Pandemic Unemployment Assistance (PUA) Under the Federal CARES Act**

Even though Moreno is not eligible for regular unemployment insurance benefits under state law, he 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 Moreno is eligible for such compensation for the week claimed.

This decision does not address whether Moreno is eligible for PUA. For a decision on such eligibility, Moreno 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

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October 15, 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 PUA, go to:  
<https://www.iowaworkforcedevelopment.gov/pua-information>
- To apply for PUA, go to:  
<https://www.iowaworkforcedevelopment.gov/pua-application>