

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOSEPH C ARNOLD
Claimant

JEFFERSON COUNTY HOSPITAL
Employer

APPEAL 20A-UI-06340-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/03/20
Claimant: Appellant (1)

Iowa Code § 96.5-2-a – Discharge for Misconduct
Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Joseph Arnold (claimant) appealed a representative's June 10, 2020, decision (reference 01) that concluded ineligibility to receive unemployment insurance benefits after a separation from work with Jefferson County Hospital (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 22, 2020. The claimant participated personally. The employer participated by Sarah Beasley, Human Resources Manager; Jacque Bookin-Nosbisch, Chief Nursing Officer; and Staci Worley, Emergency and Education Department Manager. The administrative law judge took official notice of the administrative file.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on August 15, 2018, as a full-time staff registered nurse. The claimant and his wife both worked for the employer. They both found jobs working for Flex Care in Stockton, California. They were supposed to start on May 4, 2020.

On April 9, 2020, the claimant gave the employer an email and verbally resigned effective April 30, 2020. Both the claimant and the employer decided the claimant's last day would be April 22, 2020. The employer changed his status to pro re nata (PRN) or as needed from April 30, 2020, to May 19, 2020. The claimant did not request any hours after April 22, 2020.

Unbeknownst to the employer, on April 29, 2020, the claimant and his wife discovered their contracts were cancelled by Flex Care. The employer had and has continued full-time and PRN work available for the claimant. The employer is busy and hours are available.

The claimant filed for unemployment insurance benefits with an effective date of May 3, 2020. His weekly benefit amount was determined to be \$481.00. The claimant received no state

unemployment insurance benefits or Federal Pandemic Unemployment Compensation after May 3, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons the administrative law judge concludes the claimant is not eligible to receive unemployment insurance benefits after his separation from work.

Iowa Code section 96.5(1)a provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department. But the individual shall not be disqualified if the department finds that:

a. The individual left employment in good faith for the sole purpose of accepting other or better employment, which the individual did accept, and the individual performed services in the new employment. Benefits relating to wage credits earned with the employer that the individual has left shall be charged to the unemployment compensation fund. This paragraph applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

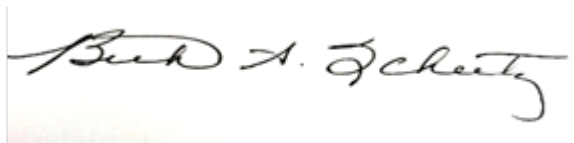
The claimant left his position after he accepted a position to work for an out-of-state employer. The contract was cancelled before the claimant performed any services for the out-of-state employer. When an employee quits work to take other employment, he is not disqualified from receiving unemployment insurance benefits. In this case the claimant did not actually take the employment because no work was performed. The claimant left without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

Even though the claimant is not eligible for regular unemployment insurance benefits under state law, he may be eligible for federally funded unemployment insurance benefits under the Coronavirus Aid, Relief, and Economic Security Act ("Cares Act"), Public Law 116-136. 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 he or she is eligible for such compensation for the week claimed. The claimant must apply for PUA, as noted in the instructions provided in the "Note to Claimant" below.

DECISION:

The representative's June 10, 2020, decision (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount provided the claimant is otherwise eligible.

Note to Claimant: This decision determines you are not eligible for regular unemployment insurance benefits. 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. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, 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>.



Beth A. Scheetz
Administrative Law Judge

July 28, 2020
Decision Dated and Mailed

bas/scn