

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CINDY J GRAHAM
Claimant

APPEAL 20A-UI-08623-NM-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

SEDONA STAFFING INC
Employer

OC: 03/29/20
Claimant: Appellant (4)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Code § 96.5(1)g – Voluntary Leaving/Requalification
Iowa Code § 96.5(1)j – Voluntary Quitting – Temporary Employment
Iowa Code § 96.5(12) – Supplemental Part-time Employment
Iowa Admin. Code r. 871-24.27 – Voluntary Quitting – Part-time Employment

STATEMENT OF THE CASE:

On July 21, 2020, the claimant filed an appeal from the July 14, 2020, (reference 01) unemployment insurance decision that allowed benefits, but removed wages earned by this employer from the calculation of her weekly benefit amount. The parties were properly notified about the hearing. A telephone hearing was held on September 2, 2020. Claimant participated and testified. Employer participated through hearing representative Colleen McGuinty and witness Julie Bellis. Official notice is taken of the administrative record, specifically claimant's WAGE record.

ISSUES:

Did claimant voluntarily quit the employment with good cause attributable to employer?
Did claimant quit by not reporting for additional work assignments within three business days of the end of the last assignment?
Has the claimant earned ten times her weekly benefit amount after a disqualifying separation from employment?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a diagnostic medical sonographer. Her most recent assignment was with Medical Associated and began on January 31, 2020. The assignment ended on March 18, 2020 because the work was complete. Claimant was notified by the client that the assignment was ending. Claimant notified the employer, but did not request an assignment with another employer.

Claimant's administrative records establish that she filed her original claim for benefits effective March 29, 2020, which is in the first quarter of 2020. Her weekly benefit amount is \$411.00. Since her separation from employment with this employer, she worked and earned insured

wages from Grahams Style St for Men and Dubuque Internal Medicine. She earned \$1,099.00 with Grahams Style St for Men and \$5,839.00 with Dubuque Internal Medicine in the second quarter of 2020. She has earned ten times her weekly-benefit amount since her separation from this employer and prior to filing her original claim for unemployment insurance benefits.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code §96.5(1) provides:

An individual shall be disqualified for benefits:

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.

Claimant had an intention to quit and carried out that intention by tendering a verbal and written resignation. As such, claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "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).

Iowa Admin. Code r. 871-24.25(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 employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

- (2) The claimant moved to a different locality.

The claimant's voluntary quitting was not for a good-cause reason attributable to the employer according to Iowa law. However, the administrative records establish that the claimant has earned ten times her weekly-benefit amount since her disqualifying separation from employment with this employer and prior to filing her original claim for unemployment insurance benefits.

Iowa Code section 96.5(1)g 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:

g. The individual left work voluntarily without good cause attributable to the employer under circumstances which did or would disqualify the individual for benefits, except as provided in paragraph "a" of this subsection but, subsequent to the leaving, the individual worked in and was paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

Because the claimant has requalified for benefits since the separation from this employer by earning ten times her weekly benefit amount in insured wages, unemployment insurance benefits are allowed and the account of the employer (account number 237958) shall not be charged.

DECISION:

The July 14, 2020 (reference 01) unemployment insurance decision is modified in favor of the appellant. The claimant voluntarily quit without good cause attributable to the employer, but she has requalified for benefits since the separation. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer (account number 237958) shall not be charged.



Nicole Merrill
Administrative Law Judge

September 10, 2020
Decision Dated and Mailed

nm/sam