

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

AMANDA CROSS
Claimant

LONGHOUSE NORTHSHIRE LTD
Employer

APPEAL 20A-UI-08550-HP-T
ADMINISTRATIVE LAW JUDGE
DECISION

OC: 03/29/20
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Code § 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

Claimant Amanda Cross filed an appeal from a July 15, 2020 (reference 04) unemployment insurance decision that denied benefits for voluntarily quitting her work with Longhouse Northshire Ltd. (“Longhouse”) on February 17, 2020. The parties were properly notified of the hearing. A telephone hearing was held on September 1, 2020. Cross appeared and testified. Rosemary Hibbs appeared and testified on behalf of Longhouse. Tim Christy also appeared on behalf of Longhouse, but did not testify. I took administrative notice of the claimant’s unemployment insurance benefits records maintained by Iowa Workforce Development.

ISSUE:

Was the separation a layoff, discharge for misconduct or voluntary quit without good cause?

FINDINGS OF FACT:

On November 1, 2018, Cross commenced full-time employment as a certified nursing assistant for Longhouse. Longhouse operates a long-term care facility. Hibbs, the director of nursing, was Cross’s immediate supervisor. Christy was the administrator for Longhouse.

On January 28, 2020, Cross was involved in a car accident with her children. Her children developed problems as a result of the collision and were fussy at daycare. Cross’s daycare provider told her she could no longer care for her children because they were being too disruptive.

Cross attempted to schedule an appointment for her children with the doctor. The doctor was not taking appointments for thirty days. Cross was involved in a second car accident on February 14, 2017, where she totaled her vehicle.

On February 17, 2020, Cross sent Hibbs a text message stating that she was resigning because of the accident. Cross discussed the daycare issue to Hibbs before she resigned. She had also mentioned her coworkers were sending her rude text messages stating her coworkers did not believe she was missing work due to the car accident. Hibbs was off work and told Cross to contact Tim Christy, the administrator. Cross contacted Christy and reported she was resigning

because of the accident, her lack of childcare, and because her coworkers were sending her rude text messages. During the call Cross mentioned possibly taking a leave of absence and Christy informed her he did not know if the leave of absence would be approved. Cross resigned during the call. Cross did not ask Hibbs or Christy to speak with her coworkers before she resigned and reported Christy and Hibbs were good about taking care of interpersonal issues with the staff.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) provides an individual “shall be disqualified for benefits, regardless of the source of the individual’s wage credits:If the individual has left work voluntarily without good cause attributable to the individual’s employer, if so found by the department.” The Iowa Supreme Court has held a “voluntary quit” means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer.” *Wills v. Emp’t Appeal Bd.*, 447 N.W.2d 137, 138 (Iowa 1989). A voluntary quit requires “an intention to terminate the employment relationship accompanied by an overt act carrying out the intent.” *Peck v. Emp’t Appeal Bd.*, 492 N.W.2d 438, 440 (Iowa Ct. App. 1992). “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). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). The employer has the burden of proving that a claimant’s departure from employment was voluntary. *Irving v. Emp’t Appeal Bd.*, 883 N.W.2d 179 (Iowa 2016).

871 Iowa Administrative Code 24.25(6), (17) and (21) provide:

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.

24.25(6) The claimant left as a result of an inability to work with other employees.

24.25(17) The claimant left because of lack of child care.

24.25(21) The claimant left because of dissatisfaction with the work environment.

871 Iowa Administrative Code 24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

24.26(4) The claimant left due to intolerable or detrimental working conditions.

Cross was involved in two car accidents. Following the first car accident her children became fussy and her daycare provider told Cross she could no longer care for her children. Cross could not find daycare and resigned as a result. While Cross’s coworkers were sending her rude text messages, Cross did not ask Hibbs or Christy to speak to her coworkers about the problem and reported Hibbs and Christy were good about taking care of interpersonal problems with staff. I do not find Cross’s working conditions were intolerable or detrimental where a reasonable person would feel compelled to quit. I find Cross quit her employment with Longhouse due to her lack of

childcare, a reason personal to Cross. I do not find Cross quit her employment with good cause attributable to Longhouse. Benefits are denied.

DECISION:

Regular Unemployment Insurance Benefits Under State Law

The July 15, 2020 (reference 04) unemployment insurance decision denying unemployment insurance benefits is affirmed. Claimant voluntarily quit the claimant's employment with the employer on February 17, 2020. Unemployment insurance benefits are denied until the claimant has worked in and earned wages for insured work equal to ten times the claimant's weekly benefit amount after the claimant's separation date, and provided the claimant is otherwise eligible.

Pandemic Unemployment Assistance ("PUA") Under the Federal CARES Act

Even though the claimant is not eligible for regular unemployment insurance benefits under state law, the claimant 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 may provide up to 39 weeks of unemployment benefits. An individual receiving PUA benefits may also receive an additional \$600 weekly benefit amount under the Federal Pandemic Unemployment Compensation ("FPUC") program if the individual is eligible for PUA benefits for the week claimed. The FPUC additional \$600 payment per week ends as of July 25th in Iowa. This means the \$600 weekly additional benefit will stop and at this time, no extension or change to the program has been made by Congress at this time. This does mean that you will see a corresponding decrease in your weekly benefit amount. The FPUC payments are not a state benefit and Iowa is unable to make any changes to the availability of this benefit. If a change takes place to this benefit in the future, IWD will share on the IWD website and social media. This decision does not address whether the claimant is eligible for PUA. If the claimant wishes to receive PUA benefits, the claimant must apply for PUA, as noted in the instructions provided in the "Note to Claimant" below:

Note to Claimant: If this decision determines you are not eligible for regular unemployment insurance benefits and 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, 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>.** This decision denies benefits. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits.



Heather L. Palmer
Administrative Law Judge
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September 3, 2020
Decision Dated and Mailed

hlp/sam