

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**TYLER D NICHOLS**  
Claimant

**APPEAL 21R-UI-15001-ED-T**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 04/12/20**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

On February 26, 2021, claimant/appellant filed an appeal from the February 24, 2021, (reference 01) unemployment insurance decision. Notices of hearing were mailed to the parties' last known addresses of record for a telephone hearing scheduled for 9:00 a.m. on August 27, 2021. The claimant participated personally. The employer participated through Mindy Klein. No exhibits were offered or admitted.

**ISSUE:**

Did the claimant voluntarily quit work without good cause attributable to the employer?  
Was the claimant discharged for disqualifying misconduct?

**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 22, 2019 as a full-time paraprofessional. The claimant became concerned with potential exposure to COVID-19. March 10, 2020 was the claimant's last day physically working. The claimant submitted a letter of resignation to the Dubuque Community School District stating his last day would be March 10, 2020. The claimant also worked at Houlihan's in Dubuque as a part-time bartender earning \$8.00 per hour plus tips.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

Iowa Code section 96.5(1) 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.

Iowa Admin. Code r. 871-24.25(20) provides:

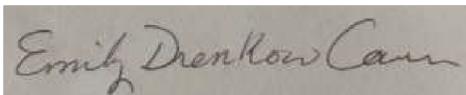
Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified 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:

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intention to voluntarily leave work was evidenced by submitting a letter of resignation to the employer. Claimant was absent from work for personal reasons for more than ten working days. When an employee is absent from work for more than ten working days for compelling personal reasons, claimant's leaving is without good cause attributable to the employer. The claimant left work for more than ten working days for compelling personal reasons. Claimant's leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

**DECISION:**

The February 24, 2021 (reference 01) decision is affirmed. Claimant voluntarily quit without good cause attributable to the employer. Benefits are withheld until such time as claimant works in and has been paid wages equal to ten times his weekly benefit amount, provided he is otherwise eligible.



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Emily Drenkow Carr  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

September 2, 2021  
Decision Dated and Mailed

ed/kmj