

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KRISTINA SOSA
Claimant

THE UNIVERSITY OF IOWA
Employer

APPEAL 20A-UI-07206-HP-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/05/20
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Code § 96.5(2) – Discharge Due to Misconduct

STATEMENT OF THE CASE:

Claimant Kristina Sosa filed an appeal from a June 25, 2020 (reference 01) unemployment insurance decision that denied benefits based upon her voluntarily quitting work without good cause attributable to the employer, the University of Iowa. Notices of hearing were mailed to the parties' last known addresses of record for a telephone hearing scheduled for August 4, 2020. Sosa appeared and testified. Jessica Wade appeared and testified on behalf of the University of Iowa. 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:

Sosa commenced full-time employment as an academic advisor for the University of Iowa on December 20, 2012. Sosa's direct supervisor was Diane Hauser.

On December 18, 2019, Sosa sent Hauser an e-mail informing her she was resigning effective January 3, 2020, to start her own business, South Haven Real Estate, which would provide affordable housing in the area. Sosa's last day with the University of Iowa was on January 3, 2020. Sosa had 111 hours of vacation in her vacation bank. The University of Iowa paid Sosa her vacation in a lump sum on January 17, 2020. Sosa did not rescind her resignation before she left.

Sosa testified she received a vacation payout until April 2020 from the University of Iowa. I do not find her testimony reasonable and consistent with the other evidence I believe. Sosa was a full-time employee. She resigned on January 3, 2020, her last day. The University of Iowa paid out her vacation, 111 hours, on January 17, 2020, in full. Sosa was not an employee of the University of Iowa in February, March, or April 2020.

Sosa testified she started working for White House/Black Market when she left the University of Iowa. She also argued in her appeal she had earned more than ten times her weekly benefit

amount following her separation from the University of Iowa. I reviewed the agency's mainframe system records. White House/Black Market reported Sosa earned wages in the second, third and fourth quarters of 2019, but did not report she earned any wages in the first quarter of 2020. Montessori School of Iowa reported Sosa earned wages in the fourth quarter of 2019 and in the first quarter of 2020. Chico's Retail Operations reported wages for Sosa the first and second quarters of 2020. According to agency records, Sosa did not earn ten times her weekly benefit amount after her separation date from the University of Iowa.

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).

871 Iowa Administrative Code 24.25(3) and (19) 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. . . . The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer: . . .

24.25(3) The claimant left to seek other employment but did not secure employment.

24.25(19) The claimant left to enter self-employment.

On January 3, 2020, Sosa voluntarily quit her job at the University of Iowa to start self-employment. In December 2019, Sosa informed Hauser she was resigning to start her own business. Sosa did not secure self-employment when she left the University of Iowa. I find Sosa voluntarily quit without good cause attributable to the University of Iowa. Benefits are denied.

Sosa testified she started working for White House/Black Market when she left the University of Iowa. She also argued in her appeal she had earned more than ten times her weekly benefit amount following her separation from the University of Iowa. As I noted above, I reviewed the agency's mainframe system records. White House/Black Market reported Sosa earned wages in the second, third and fourth quarters of 2019, but did not report she earned any wages in the first quarter of 2020. Montessori School of Iowa reported Sosa earned wages in the fourth quarter of 2019 and in the first quarter of 2020. Chico's Retail Operations reported wages for Sosa the first and second quarters of 2020. According to agency records, Sosa did not earn ten times her weekly benefit amount after her separation date from the University of Iowa.

DECISION:

Regular Unemployment Insurance Benefits Under State Law

The June 25, 2020 (reference 01) unemployment insurance decision denying unemployment insurance benefits is affirmed. Claimant voluntarily quit her employment with the employer on January 3, 2020. Unemployment insurance benefits are denied until the claimant has worked in and earned wages for insured work equal to ten times her weekly benefit amount after her separation date, and provided she 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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August 11, 2020
Decision Dated and Mailed
hlp/sam