

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**LUIS C DELCID**  
Claimant

**APPEAL 20A-UI-01161-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**JOHNSTON DANCE INC**  
Employer

**OC: 01/12/20**  
**Claimant: Respondent (2)**

Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment  
Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation Fact-finding Interview

**STATEMENT OF THE CASE:**

On February 6, 2020, the employer filed an appeal from the February 4, 2020, (reference 01) unemployment insurance decision that allowed benefits based on a separation from employment. The parties were properly notified about the hearing. A telephone hearing was held on February 24, 2020. Claimant did not register for the hearing and did not participate. Employer participated through owner Jeanne Chelsen and her husband Mark Chelsen. Employer's Exhibit 1 was received.

**ISSUES:**

Did claimant voluntarily quit the employment with good cause attributable to employer?  
Has the claimant been overpaid unemployment insurance benefits, and if so, can the repayment of those benefits to the agency be waived?  
Can any charges to the employer's account be waived?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer in 2017 or 2018. Claimant last worked as a part-time instructor. Claimant was separated from employment on November 21, 2019, when he abandoned the job.

Claimant stopped coming to work without notice. Employer begged claimant to return and finish out the year, but claimant refused. Employer called claimant numerous times. Claimant stated that he did not care about the job, the dance studio, or the students. Claimant had never had any complaints about the work or the work environment prior to this.

In January 2019, claimant sent employer a text message stating he was resigning for personal reasons.

Claimant has not received any payments of unemployment insurance benefits since filing this claim.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was 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.

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).

In this case, claimant resigned for personal reasons and did not establish he resigned for any reason attributable to employer. Therefore, the separation from employment disqualifies claimant from receiving unemployment insurance benefits.

Claimant has not received any benefit payments since filing this claim, so the issues regarding overpayment of benefits need not be addressed.

## DECISION:

The February 4, 2020, (reference 01) unemployment insurance decision is reversed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.



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February 27, 2020  
Decision Dated and Mailed

cal/scn