

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

HEATHER L ZAIN
Claimant

THE IOWA CLINIC PC
Employer

APPEAL 19A-UI-06676-AW-T
ADMINISTRATIVE LAW JUDGE
DECISION

OC: 07/21/19
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Admin. Code r 871-24.25(20) – VQ – Compelling personal reasons > 10 days

STATEMENT OF THE CASE:

Claimant/appellant filed an appeal from the August 12, 2019 (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on September 17, 2019, at 2:00 p.m. Claimant participated. Employer participated through Julie Clark, Senior Human Resources Consultant. No exhibits were admitted.

ISSUE:

Whether claimant's separation was a voluntarily quit without good cause attributable to employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working as an on-call phlebotomist with The Iowa Clinic, PC on May 29, 2018. As an on-call employee, employer notified claimant when her services were needed in one of three of its offices. Claimant was able to accept or reject the assignment offered by employer.

During the first year of claimant's employment, she was primarily offered assignments in employer's Ankeny, Iowa office, which she accepted. Beginning in July 2019, employer needed claimant's services and began offering claimant assignments in its West Des Moines, Iowa office. Claimant declined these offers because the cost of transportation from her home in Ankeny to the West Des Moines office was prohibitive. Claimant informed employer that she would not accept assignments in West Des Moines due to transportation costs; therefore, employer stopped offering claimant those assignments. Employer did not terminate claimant's employment for refusing assignments in West Des Moines. Employer did not have a business need for claimant's services in its other offices, but would have offered claimant assignments in the other offices if they came available in the future.

On August 5, 2019 claimant contacted employer regarding withdrawing funds from her retirement account for personal financial reasons. Employer told claimant that she could not

withdraw funds as an active employee. Claimant told employer that she no longer wanted to be an employee of The Iowa Clinic, PC.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant voluntarily quit her employment without good cause attributable to employer. Benefits are denied.

Iowa Code § 96.5(1) provides: An individual shall be disqualified for benefits, if the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

A voluntary quitting means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer and requires an intention to terminate the employment. *Wills v. Emp't Appeal Bd.*, 447 N.W. 2d 137, 138 (Iowa 1989). 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); *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992). 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(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.

Claimant's statement to employer that she no longer wanted to be an employee of The Iowa Clinic is both evidence of her intention to sever the employment relationship and an overt act of carrying out her intention. Claimant voluntarily quit her employment for personal reasons, which are not attributable to employer. Claimant has not met her burden of proving she voluntarily quit her employment for good cause attributable to employer. Benefits are denied.

DECISION:

The August 12, 2019 (reference 01) unemployment insurance decision is affirmed. Benefits are denied until claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Adrienne C. Williamson
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Decision Dated and Mailed

acw/rvs