

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**RANDY ROBBINS
PO BOX 1946
KENAI, ALASKA 99611-1946**

**BILL COLWELL INVESTMENTS INC
CHUCK ADAMS
PO BOX 270
HUDSON, IOWA 50643**

**DIA APPEAL NO. 20IWDUI0274
IWD APPEAL NO. 20A-UI-05816**

**ADMINISTRATIVE LAW JUDGE
DECISION**

REQUEST TO REOPEN AND APPEAL RIGHTS:

This Decision Shall Become Final, unless within fifteen (15) days from the mailing date below the administrative law judge's signature on the last page of the decision, you or any interested party:

(1) Make a written request to reopen the hearing to the Appeals Bureau directly to:

**Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
or
Fax (515)478-3528**

(2) **OR YOU MAY** Appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to:

**Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
or
Fax (515)281-7191**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

The name, address and social security number of the claimant.

A reference to the decision from which the appeal is taken.

That an appeal from such decision is being made and such appeal is signed.

The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

ONLINE RESOURCES:

UI law and administrative rules: <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-law-and-administrative-rules>

UI Benefits Handbook: <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-benefits-handbook-guide-unemployment-insurance-benefits>

Handbook for Employers and forms: <https://www.iowaworkforcedevelopment.gov/employerforms>

Employer account access and information: <https://www.myiowaui.org/UIITPTaxWeb/>

National Career Readiness Certificate and Skilled Iowa Initiative: <http://skillediowa.org/>

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RANDY ROBBINS
Claimant

**DIA APPEAL NO. 20IWDUI0274
IWD APPEAL NO. 20A-UI-05816**

**ADMINISTRATIVE LAW JUDGE
DECISION**

BILL COLWELL INVESTMENTS INC
Employer

**OC: 04/19/20
Claimant: Appellant (1)**

Iowa Code § 96.5(2)A – Discharge for Misconduct
Iowa Code § 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

The claimant, Randy Robbins, filed an appeal from the June 2, 2020, unemployment insurance decision that concluded he was not eligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on July 21, 2020. Claimant participated personally. Employer participated through Chuck Adams and Blake Colwell.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer?

FINDINGS OF FACT:

Claimant started working at Employer on November 4, 2019 as the service manager. He worked a set schedule and was a fulltime employee. In late February 2020, claimant told his direct supervisor that he was dealing with some family issues in Alaska. On February 25, 2020, claimant told Employer owner Bill Colwell that he needed to leave his employment for personal reasons. Claimant's wife had been arrested in Alaska and their child was currently residing with a non-family member. Claimant needed to leave for Alaska as soon as possible to provide support for his family. The Employer processed claimant's separation from employment that same day.

On appeal, claimant does not dispute that he left his employment at Bill Colwell Investments voluntarily. Claimant confirmed that he left the job because he had family issues in Alaska that he needed to tend to and remains in Alaska today. Claimant said he had no ill will towards Employer but due to circumstances out of his control, he is unemployed. Shortly after arriving to Alaska, the COVID-19 Pandemic hit, which has severely limited his ability to find any employment.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons the administrative law judge concludes the claimant is not eligible to receive unemployment insurance benefits after his separation from work.

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(3) 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:

(23) The claimant left voluntarily due to family responsibilities or serious family needs

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 verbally telling Blake Colwell that he was leaving his employment effective February 25, 2020 to go Alaska to take care of family issues and then subsequently going to Alaska and not returning to work evidenced the claimant's intention and act to voluntarily leave employment.

This judge appreciates claimant's candor and is empathetic with the claimant's current circumstances. However, the claimant voluntarily quit his employment to attend to family responsibilities and needs in Alaska. As such, he is disqualified from benefits and this judge has no discretion on the matter. However, claimant may be eligible for the Pandemic Unemployment Assistance program. Information is included at the end of this decision.

DECISION:

The June 2, 2020 unemployment insurance decision is AFFIRMED. Claimant is not eligible to receive benefits.



Thomas J. Augustine
Administrative Law Judge
Department of Inspections and Appeals
Administrative Hearings Division

7-23-20

Decision Dated and Mailed

CC: Randy Robbins, claimant (by first class mail)
Bill Colwell Investments Inc, employer (by first class mail)
Nicole Merrill, IWD (email)
Joni Benson, IWD (email)

Note to Claimant: This decision determines you are not eligible for regular unemployment insurance benefits. If 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 due to disqualifying separations, 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>.