

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

GAYLE IRVING
Claimant

4 PAWS UNLEASHED INC
Employer

APPEAL 20A-UI-07587-J1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 06/16/19
Claimant: APPELLANT (2)**

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On July 2, 2020, the claimant filed an appeal from the June 24, 2020, (reference 03) unemployment insurance decision that denied benefits based on voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on August 10, 2020. Claimant participated. Employer did not participate. Claimant's Exhibits A, B and C were admitted into the record.

ISSUE:

Did claimant quit his employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer in July, 2019. Claimant last worked as a part-time Kennel Attendant. Claimant and the employer agreed that claimant would continue to work on call and holidays for 4 Paws Unleashed Inc. beginning February 2020. Claimant was on this on call/holiday status for the employer at the time of the hearing. (Ex. B and C)

REASONING AND CONCLUSIONS OF LAW:


Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). The employer has the burden of proving that a claimant's departure from employment was voluntary. *Irving v. Emp't Appeal Bd.*, 883 N.W.2d 179 (Iowa 2016). "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". Id. (citing *Cook v. Iowa Dept. of Job Service*, 299 N.W.2d 698, 701 (Iowa 1980)).

Claimant was still employed with her employer at the time of the hearing. Claimant was working part-time for her employer and did not voluntarily quit her employment.

DECISION:

Regular Unemployment Insurance Benefits Under State Law

The June 24, 2020, (reference 03) unemployment insurance decision is reversed. Benefits are awarded, provided she is otherwise eligible.



James F. Elliott
Administrative Law Judge

August 17, 2020
Decision Dated and Mailed

je/scn