

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ANN M WOOLDRIDGE**  
Claimant

**ANIMAL RESCUE LEAGUE OF IOWA INC**  
Employer

**APPEAL 20A-UI-12353-AW-T  
ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/24/20  
Claimant: Appellant (2)**

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Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.4(3) – Ability to and Availability for Work

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the September 23, 2020 (reference 03) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on December 7, 2020, at 1:00 p.m. Claimant participated. Employer participated through Joseph Crock, Director of Finance and Information Technology. No exhibits were admitted.

**ISSUES:**

Whether claimant's separation was a voluntary quit without good cause attributable to employer.  
Whether claimant is able to and available for work.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a full-time Animal Care Technician from April 24, 2019 until her employment with Animal Rescue League of Iowa ended on July 10, 2020.

Between March 2020 and July 10, 2020, employer did not take any added precautions to protect employees from Covid-19. Employer did not provide personal protective equipment or require employees to wear masks, use hand sanitizer or social distance. Employer did not increase its cleaning and sanitizing procedures. Some employees went to Florida in March 2020 for spring break; employer did not require the employees to quarantine before returning to work. Claimant became ill in April 2020 and was advised to quarantine; employer told claimant that she would no longer have a job if she quarantined instead of reporting to work. Claimant was still required to attend daily care technician meetings with 10 – 20 other employees who were not required to wear masks or socially distance. Claimant brought her concerns to employer's attention on multiple occasions. Employer did not make any changes to address claimant's concerns. As a result, claimant resigned on July 10, 2020, effective immediately. Since July 10, 2020, claimant has had no barrier to employment.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant voluntarily quit with good cause attributable to employer. Benefits are allowed provided claimant is otherwise eligible.

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). The standard of what a reasonable person would have believed under the circumstances is applied in determining whether a claimant left work voluntarily with good cause attributable to the employer. *O'Brien v. Employment Appeal Bd.*, 494 N.W.2d 660 (Iowa 1993).

Iowa Admin. Code r. 871-24.26(2), (4) provide:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

- (2) The claimant left due to unsafe working conditions.
- (4) The claimant left due to intolerable or detrimental working conditions.

Claimant's verbal resignation is both evidence of her intention to terminate the employment relationship and an overt act of carrying out her intention. Claimant voluntarily quit her employment. The reason claimant quit was employer's failure to implement policies and protocols to protect employees from Covid-19. A reasonable person would have believed that claimant's working conditions were unsafe and detrimental to the claimant. As such, the claimant's voluntary quitting was for a good-cause reason attributable to the employer according to Iowa law. Benefits are allowed, provided the claimant is otherwise eligible.

The next issue to be determined is whether claimant is able to and available for work. For the reasons that follow, the administrative law judge concludes claimant is able to and available for work. Benefits are allowed provided claimant is otherwise eligible.

Iowa Code section 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph (1), or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

Claimant has had no barriers to employment since July 10, 2020. Therefore, claimant was able to and available for work. Benefits are allowed provided claimant is otherwise eligible.

**DECISION:**

The September 23, 2020 (reference 03) unemployment insurance decision is reversed. Claimant voluntarily quit with good cause attributable to employer. Claimant is able to and available for work. Benefits are allowed provided claimant is otherwise eligible.



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December 15, 2020  
Decision Dated and Mailed

acw/scn