

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

RACHENIA QUILLIN
Claimant

APPEAL NO. 21A-UI-13848-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

PILOT TRAVEL CENTERS LLC
Employer

OC: 02/28/21
Claimant: Appellant (2)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated June 3, 2021, reference 04, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on August 12, 2021. Claimant participated. Employer failed to respond to the hearing notice and did not participate.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on March 3, 2021. Claimant was hired to work as a full time shift lead for employer. During the interview process employer did not tell claimant that a mask would be required for claimant, but he was wearing a mask.

Claimant attempted to work the first couple of days with a mask. Claimant then went to employer and stated that she had asthma and couldn't wear a mask. Employer informed claimant that it is company policy for all employees working with the public to wear a mask. Claimant stated she offered to get a doctor's excuse, but did not produce a note prior to quitting.

REASONING AND CONCLUSIONS OF LAW:

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.

The administrative law judge holds that the evidence has not established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because employer required masks at work. Claimant did not provide documentation that a mask was injurious to asthma in any way.

Iowa Admin. Code r. 871-24.26(1) provides:

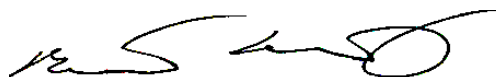
Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(1) A change in the contract of hire. An employer's willful breach of contract of hire shall not be a disqualifiable issue. This would include any change that would jeopardize the worker's safety, health or morals. The change of contract of hire must be substantial in nature and could involve changes in working hours, shifts, remuneration, location of employment, drastic modification in type of work, etc. Minor changes in a worker's routine on the job would not constitute a change of contract of hire.

In this matter, employer did not state that masks were a job requirement when claimant was hired. Soon after hire, employer then told claimant of the requirement and would not allow for an exception – even if claimant were to bring a doctor's note. (It is noted that the American Academy for Allergy, Asthma, and Infections (AAAAI) determined that masks did not inhibit oxygen flow for asthmatics.). But the question here is whether employer had an obligation to share a mask requirement with claimant prior to hire. The mask requirement is certainly reasonable during a pandemic, but employer needed to share this rule with claimant prior to hire so she could have made an informed decision if she wanted to take the job that had this requirement. Benefits allowed.

DECISION:

The decision of the representative dated June 3, 2021, reference 04, is reversed. Unemployment insurance benefits shall be allowed provided claimant is otherwise eligible.



Blair A. Bennett
Administrative Law Judge

August 18, 2021
Decision Dated and Mailed

bab/mh