

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LINDA COADY
Claimant

APPEAL 21A-UI-12567-ML-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAUKEE COMMUNITY SCHOOL DISTRICT
Employer

**OC: 03/14/21
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Claimant filed an appeal from the May 12, 2021 (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on July 9, 2021, at 10:00 a.m. Claimant participated personally. The employer participated through Jose Matamoros.

Claimant's Exhibit 1 was offered and admitted into the evidentiary record.

ISSUE:

Whether claimant's separation was a voluntary 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 was employed as a part-time child care provider from August 13, 2007, until her employment with Waukee Community School District ended on June 5, 2020, when claimant tendered her resignation. Ms. Coady last physically worked for the employer on March 13, 2020. The Child Care center temporarily closed shortly thereafter. Waukee Community School District employees were furloughed through the end of the school year.

In June, Associate Director of Child Care, Andrea Wilnes, contacted claimant and asked if she would be returning to work in the Summer or Fall of 2020. Ms. Coady told Ms. Wilnes that it was a tough decision, but she had decided that she would not be returning to work in the Summer or Fall. Claimant feared being exposed to Covid-19 at work. She did not want to return to work until a vaccine was available to her. The employer accepted this response as claimant's resignation.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant voluntarily quit 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. 871-24.26(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 voluntarily quit her employment due to valid concerns she had about her health and safety due to potential exposures to Covid-19. While claimant had good personal reasons for quitting her job, those reasons are not attributable to the employer. Claimant has not established that the working conditions were unsafe, intolerable or detrimental. Claimant has not met her burden of proving good cause attributable to employer. Benefits are denied.

Note to Claimant: If you disagree with this decision, you may file an appeal with the Employment Appeal Board by following the instructions on the first page of this decision. If this decision denies benefits, you may be responsible for paying back benefits already received. Individuals who are disqualified from or are otherwise ineligible for regular unemployment insurance benefits but who are 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.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.

DECISION:

The May 12, 2021 (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily quit without good cause attributable to employer. Benefits are denied.



Michael J. Lunn
Administrative Law Judge
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July 30, 2021
Decision Dated and Mailed

mjl/lj