

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LEONARD H QUELLAND
Claimant

**PRAIRIE MEADOWS RACETRACK &
CASINO**
Employer

APPEAL 20A-UI-10188-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/12/20
Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On July 10, 2020, the claimant filed an appeal from the July 7, 2020, (reference 04) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on October 8, 2020. Claimant participated. Employer participated through human resource generalist Pam Anderson. Claimant's Exhibit A was received into the record.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant has worked for employer since April 4, 2017. Most recently, claimant worked for employer as a part-time camera/television operator.

Claimant's last day of work was October 12, 2019. Claimant was laid off because it was the end of the horseracing season. The horseracing season usually runs from late April until mid-October.

In March 2020, the United States declared a public health emergency due to the COVID 19 pandemic. The horseracing season was delayed because of COVID 19. The horseracing season did not end up starting until June 19, 2020.

On June 2, 2020, employer invited claimant to return to work. Employer planned to conduct a COVID response training for claimant's first scheduled day back on June 16, 2020. Employer had a policy requiring all employees to wear a mask during the work day. Claimant would have been trained on that policy, as well as cleaning and social distancing policies.

Prior to his return, claimant communicated with co-workers who were already back in the workplace, as well as his supervisor. Claimant's supervisor explained that although employer

had a policy requiring masks for all employees, masks were not required in the space claimant would be working in. Claimant's workspace includes about 10 employees and social distancing is not possible. Claimant's co-worker sent him pictures of individuals working side by side in the space without masks. Claimant was also aware that employer was not strictly requiring guests at its horse races to wear masks and that his co-workers would at times be in a space with those guests and then come back up to the work space.

Claimant has a blood clotting disorder and was informed by his daughter, a nurse, that COVID 19 causes issues with blood clots.

On June 15, 2020, claimant informed employer he would not be returning to work this season, as his underlying health condition made it unsafe for him to do so.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant voluntarily left the employment with good cause attributable to the employer.

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. 871-24.26(2) 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:

(2) The claimant left due to unsafe working conditions.

In this case, claimant resigned due to unsafe working conditions. Employer had a policy in place requiring all employees to wear masks, so it obviously understood the danger of its employees contracting COVID 19 and that wearing masks makes the workplace safer. For some reason, claimant's supervisor was not enforcing that policy and social distancing was not possible in claimant's work space. Claimant was not unreasonable when he declined to return to work under those conditions.

Claimant has established he resigned for a good cause reason attributable to employer.

DECISION:

The July 7, 2020, (reference 04) unemployment insurance decision is reversed. Claimant voluntarily left the employment with good cause attributable to the employer. Benefits are allowed, provided he is otherwise eligible and the benefits withheld shall be paid.



Christine A. Louis
Administrative Law Judge
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October 12, 2020
Decision Dated and Mailed

cal/sam