

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**ASHRAF M MUDHAFAR**  
Claimant

**WALMART INC**  
Employer

**APPEAL 20A-UI-04170-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/05/20**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

On May 18, 2020, the claimant filed an appeal from the May 15, 2020, (reference 01) unemployment insurance decision that denied benefits based on a separation from employment. The parties were properly notified about the hearing. A telephone hearing was held on June 2, 2020. Claimant participated. Employer did not register for the hearing and did not participate.

**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 began working for employer in July 2016. Claimant last worked as a full-time personal shopper. Claimant was separated from employment on April 11, 2020, when he resigned.

Claimant had twins who were born two weeks premature on February 14, 2020. Claimant took paternity leave and returned to work on April 10, 2020. When claimant returned to work, he observed many employees and customers were not wearing masks. Claimant was assigned to fill personal shopping orders and was required to be on the sales floor close to those customers and employees. Claimant worked for one hour and did not feel safe.

Claimant spoke with his children's doctor, who wrote a note recommending he and his wife not expose themselves to COVID 19.

Claimant did not ask his supervisor if there was any work available that was not on the sales floor or not involving close proximity to other employees and customers. Claimant did not discuss with his supervisor ways he could have felt safe and maintained employment. Claimant resigned.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without 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. 871-24.25(20) provides:

Voluntary quit without good cause. 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 from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

In this case, claimant resigned because he was concerned he would be exposed due to COVID 19 on the sales floor at Walmart and bring the virus home to his premature infants. The administrative law judge understands claimant's hesitation in maintaining his employment. However, claimant did not explain his situation to employer and ask for an alternative work assignment prior to resigning. Claimant resigned for good personal reasons, but he did not establish he resigned for a good cause reason attributable to employer.

Even though claimant is not eligible for regular unemployment insurance benefits under state law, he may be eligible for federally funded unemployment insurance benefits under the Coronavirus Aid, Relief, and Economic Security Act ("Cares Act"), Public Law 116-136. Section 2102 of the CARES Act creates a new temporary federal program called Pandemic Unemployment Assistance (PUA) that in general provides up to 39 weeks of unemployment benefits. An individual receiving PUA benefits may also receive the \$600.00 weekly benefit amount (WBA) under the Federal Pandemic Unemployment Compensation (FPUC) program if he or she is eligible for such compensation for the week claimed. Claimant must apply for PUA, as noted in the instructions provided in the "Note to Claimant" below.

**DECISION:**

The May 15, 2020, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.



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Christine A. Louis  
Administrative Law Judge  
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Des Moines, Iowa 50319-0209  
Fax (515)478-3528

June 17, 2020  
Decision Dated and Mailed

cal/scn

*Note to Claimant:* This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently 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 under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.