

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

Fadumo I. Mohamed
Claimant

Agri-Star Meat and Poultry, LLC
Employer

APPEAL 20A-UI-05060-BH-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 0 4/05/20
Claimant: Appellant (1)

Iowa Code section 96.5(1) – Voluntary Quit
Iowa Admin. Code r. 871-24.25 – Voluntary Quit Without Good Cause
Iowa Admin. Code r. 871-24.26 – Voluntary Quit With Good Cause

STATEMENT OF THE CASE:

Mohamed filed an appeal from the May 22, 2020 (reference 01) unemployment insurance decision that denied benefits based upon a finding Mohamed voluntary quit without good cause attributable to the employer, Agri-Star Meat and Poultry, LLC (Agri-Star). The agency properly notified the parties of the hearing. The undersigned presided over a telephone hearing was on June 24, 2020. Mohamed participated and testified. Agri-Star participated through Laura Roley, who also testified.

ISSUE:

Was Mohamed's separation from employment with Agri-Star a layoff, discharge for misconduct or voluntary quit without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the undersigned finds the following facts.

Agri-Star hired Mohamed on August 27, 2012. Mohamed worked full time as a general laborer for about seven and a half years. In 2017, Mohamed was diagnosed with diabetes. Mohamed found working in the cold conditions at Agri-Star was problematic because of her condition.

On February 27, 2020, Mohamed notified Agri-Star she was quitting her job because she was moving. Mohamed moved to Burnsville, Minnesota. Ongoing work was available to Mohamed if she had continued working for Agri-Star.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the undersigned concludes Mohamed's separation from the employment was without good cause attributable to Agri-Star.

Iowa Code section 96.5(1) states an individual is disqualified for benefits if the individual left work voluntarily without good cause attributable to the individual's employer. Iowa Administrative Code rule 24.25 states:

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.

Mohamed's diabetes was not caused by working at Agri-Star. The rule addresses such an illness or injury in a way that does not entirely apply in this case. Rule 871-24.25(35) states it is presumed the claimant quit without good cause attributable to the employer if:

The claimant left because of illness or injury which was not caused or aggravated by the employment or pregnancy and failed to:

- a. Obtain the advice of a licensed and practicing physician;
- b. Obtain certification of release for work from a licensed and practicing physician;
- c. Return to the employer and offer services upon recovery and certification for work by a licensed and practicing physician; or
- d. Fully recover so that the claimant could perform all of the duties of the job.

Here, there is no indication Mohamed required a leave of absence for a period of convalescence due to diabetes. She was able to work for Agri-Star between her 2017 diagnosis and her 2020 resignation. However, working in the cold temperatures at the facility created issues for her due to her diabetes. She also moved. Given these facts, rule 871-24.25(35) does not govern in this case.

Under other agency rules, the following types of quits are presumed to be without good cause attributable to the employer:

- The employee quits due to a different locality. Iowa Admin. Code r. 24.25(3).
- The employee quits due to dissatisfaction with the work environment. Iowa Admin. Code r. 24.25(21).

Here, the record establishes Mohamed quit because she was moving and because her diabetes made it difficult to work in the cold conditions. Together, these reasons do not constitute "good cause attributable to the employer." While Mohamed's leaving may have been based upon good

personal reasons, it was not for a good-cause reason attributable to Agri-Star according to Iowa law. Benefits are denied.

DECISION:

Regular Unemployment Insurance Benefits Under State Law

The May 22, 2020, (reference 01) unemployment insurance decision is affirmed. Mohamed voluntarily left her employment without good cause attributable to Agri-Star. Benefits are withheld until such time as Mohamed has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Pandemic Unemployment Assistance (PUA) Under the Federal CARES Act

Even though Mohamed is not eligible for regular unemployment insurance benefits under state law, she may be eligible for federally funded unemployment insurance benefits under the CARES Act. 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 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. This decision does not address when Mohamed is eligible for PUA. For a decision on such eligibility, Mohamed must apply for PUA, as noted in the instructions provided in the "Note to Claimant" below.



Ben Humphrey
Administrative Law Judge

July 2, 2020
Decision Dated and Mailed

bh/scn

NOTE TO CLAIMANT:

- This decision determines you are not eligible for regular unemployment insurance benefits under state law. 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.
- If you do not qualify for regular unemployment insurance benefits under state law and are currently unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** For more information about how to apply for PUA, go to:

<https://www.iowaworkforcedevelopment.gov/pua-information>