

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**BENJAMIN J STUTZMAN**  
Claimant

**LISLE CORPORATION**  
Employer

**APPEAL 21A-UI-14706-ML-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/18/21**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quit  
Iowa Code § 96.5(2)a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the June 25, 2021, (reference 01) unemployment insurance decision that held Claimant is not eligible to receive unemployment insurance benefits. After due notice, a hearing was scheduled for and held on August 16, 2021. Claimant, Benjamin Stutzman, participated personally. The employer participated through Human Resource Manager Tracey Gutknecht. Employer's Exhibit A was offered and accepted into the evidentiary record. Claimant's Exhibits 1 and 2 were offered and accepted into the evidentiary record. The undersigned took official notice of the administrative record.

**ISSUE:**

Was the claimant discharged for disqualifying job-related misconduct?  
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:

The claimant, Benjamin Stutzman, was employed full-time as a machine operator with the employer, Lisle Corporation, from December 23, 2013, until he was separated from employment on April 19, 2021. The claimant's immediate supervisor was Vince Twaddell.

The employer has a COVID-19 mitigation practice that requires unvaccinated employees to wear a mask while in the workplace. Initially, all employees were required to wear masks. The policy was revised on April 7, 2021, in accordance with CDC guidelines. The policies were sent via e-mail, printed in the weekly newsletters, and posted on bulletin boards.

On or about December 29, 2020, Ms. Gutknecht, a plant manager, and a safety manager had a conversation with claimant about the employer's mask mandate policy. Claimant was notified that all employees would need to wear a face covering properly until further notice. Claimant was given a verbal warning for not wearing a face covering when inside the building. Claimant reported that he did not believe in the mask mandate. Ms. Gutknecht reminded claimant that

the mask mandate was a company policy and he would need to follow it. Claimant took vacation for the rest of the day, starting at 10:20 a.m.

Additionally, Claimant and the owner of the company exchanged e-mails regarding the mask policy.

On or about December 30, 2020, Ms. Gutknecht presented to the Turret Lathe department and observed Claimant with his mask hanging by his chin. Ms. Gutknecht told claimant that he was not wearing his mask properly. Claimant told Ms. Gutknecht that he could not wear his mask properly. Ms. Gutknecht provided claimant with a final warning that he could either comply with the employer's mask mandate or he would no longer have a job at Lisle Corporation.

The final incident to trigger claimant's discharge occurred on April 19, 2021, when claimant refused to wear a mask while having his temperature checked. Claimant reported that he was, "done with the whole mask thing." Claimant was sent to speak with Ms. Gutknecht. In the meeting, claimant reported that all of the co-workers that worked around him were vaccinated so he was no longer going to wear a mask. Ms. Gutknecht detailed the employer's mask policy to claimant and asked if claimant was refusing to follow said policy. Claimant answered in the affirmative. Claimant was subsequently terminated and stormed out of Ms. Gutknecht's office.

Claimant did not have a medical provider's note excusing him from wearing a mask.

#### **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:

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 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:

(21) The claimant left because of dissatisfaction with the work environment.

(27) The claimant left rather than perform the assigned work as instructed.

The administrative law judge disagrees with the representative's construction of the claimant's separation, but concurs with the result. The employer did not terminate the claimant's employment because it was up to the claimant whether he would return to work and abide by the company policy. The claimant signaled his intention to quit by refusing to adhere to the employer's COVID-19 mitigation practice.

The 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). 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).

The claimant did not offer a rationale for his quit that can be attributed to the employer. Claimant does not like wearing a mask for personal reasons. The claimant is free to hold his opinions; however, the employer is not subject to charge for the claimant's separation that was caused by his personal preferences regarding mask use during a global pandemic. While claimant's leave may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits are denied.

**DECISION:**

The June 25, 2021, (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left his 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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Michael J. Lunn  
Administrative Law Judge  
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September 8, 2021  
Decision Dated and Mailed

mjl/scn