

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**RONALD G MCAVOY**  
Claimant

**MONROE CARE CENTER INC**  
Employer

**APPEAL 21A-UI-15435-JC-T**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

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

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the July 7, 2021, (reference 01) unemployment insurance decision that denied benefits. Iowa Workforce Development mailed a notice of hearing to claimant's last address of record. After proper notice, a telephone hearing was conducted on August 31, 2021. Claimant participated personally. Employer participated through Peyton Knowles, administrator. Megan Hulbert, D.O.N., also testified. Official notice was taken of the administrative records.

**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 began employment September 23, 2019 as a full-time CNA, and voluntarily quit his employment without notice on December 31, 2020. Continuing work was available.

Prior to separation, claimant had taken multiple leaves of absence for personal health issues. He also tested positive for COVID-19 and was off work November 13-21, 2020. On December 28, 2020, employer had an outbreak of COVID-19 at the facility. Employer had implemented safety procedures for its employees and residents, which included isolating COVID-19 residents to a specific wing, not allowing employees who had been positive to interact with COVID-19 residents, screening and testing employees for COVID-19, offering the COVID-19 vaccine on December 28, 2020 and upon entering the facility, providing full PPE for employees, which included a gown, gloves, face mask and face shield. Employees could also use a shower and laundry facilities on site upon request to minimize exposure to people at their home.

Claimant learned of the outbreak and declared he would not be working for the employer any longer. He was concerned about exposure to his girlfriend (now wife)'s grandson, who was high risk if exposed to COVID-19 at the workplace. Claimant did not request a leave of absence or take any steps to preserve his employment before quitting that day. Claimant also alleged he was discriminated against based upon his relationship, which the employer denied.

## 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 his employment due to valid concerns he had about his family's health and safety due to his girlfriend's grandson, who had a weakened immune system and potential exposure to Covid-19. While claimant had good personal reasons for quitting his job, those reasons are not attributable to the employer. Employer credibly testified claimant could perform his job with the use of PPE. Claimant has not established that the working conditions were unsafe, intolerable or detrimental. Claimant has not met his burden of proving good cause attributable to employer. Benefits are denied.

**DECISION:**

The July 7, 2021 (reference 01) initial decision is affirmed. Claimant voluntarily quit without good cause attributable to employer. Benefits are denied until claimant 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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Jennifer L. Beckman  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax 515-478-3528

September 7, 2021  
Decision Dated and Mailed

jlb/mh

**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, but who are unemployed or continue to be 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>. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits. On May 11, 2021, Governor Reynolds announced that Iowa will end its participation in federal pandemic-related unemployment benefit programs effective June 12, 2021. The last payable week for PUA in Iowa will be the week ending June 12, 2021. Additional information can be found in the press release at <https://www.iowaworkforcedevelopment.gov/iowa-end-participation-federal-unemployment-benefit-programs-citing-strong-labor-market-and>.

You may find information about food, housing, and other resources at <https://covidrecoveryiowa.org/> or at <https://dhs.iowa.gov/node/3250>

Iowa Finance Authority also has additional resources at <https://www.iowafinance.com/about/covid-19-ifa-recovery-assistance/>