

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**RANAE RICE**  
Claimant

**THRIVE TOGETHER LLC**  
Employer

**APPEAL 21A-UI-14873-AR-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/14/21  
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

On June 30, 2021, the claimant, Ranae Rice, filed an appeal from the June 22, 2021, (reference 02) unemployment insurance decision that denied benefits based on the determination claimant voluntarily quit employment with the employer, Thrive Together, LLC, without good cause attributable to the employer. The parties were properly notified about the hearing. A telephone hearing was held on August 25, 2021. Claimant participated personally, with witness Geraldine Colt. The employer did not respond to the hearing notice and did not participate.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed part-time as a server beginning in fall 2018, and was separated from employment on May 12, 2020, when she brought in a doctor's note indicating she could not work in public anymore.

At the onset of the COVID-19 pandemic, the employer furloughed employees due to the governor's disaster proclamation. Eventually, in approximately May 2020, the employer called employees, including claimant, back to work. However, claimant lives with and cares for her husband who is very vulnerable to COVID-19 and its deleterious effects should he contract the virus. Claimant spoke with her husband's doctor, who recommended that claimant not work with the public because of the risk that she might give the virus to her husband. Claimant also spoke with her own doctor, who agreed, and wrote claimant a note indicating that she should not work with the public. On May 12, 2020, claimant gave her doctor's note to her supervisor, Brenda Reed. Though claimant attempted to follow up regarding her employment status thereafter, she never was able to get through to the corporate office, and Reed never returned her calls.

## 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 § 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(23) 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:

...  
(23) The claimant left voluntarily due to family responsibilities or serious family needs.

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).

As a preliminary matter, the administrative law judge finds that claimant did voluntarily quit employment. While she never formally told the employer that she was severing the employment relationship, there are few ways in which an employer could interpret a doctor's note stating that a person in an entirely public-facing position could no longer work in public. Claimant quit employment, she was not discharged.

The administrative law judge is very sympathetic to claimant's efforts to keep herself and her loved ones safe from COVID-19. However, claimant's resignation was not caused by the employer. There was no testimony that the employer forced claimant to resign or that it was so negligent as to justify claimant's resignation. Claimant could no longer work with the public in order to keep herself and her husband safe. While claimant's leaving 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 22, 2021, (reference 02) unemployment insurance decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.



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Alexis D. Rowe  
Administrative Law Judge

August 31, 2021  
Decision Dated and Mailed

ar/mh