

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MELVINO PARKER
Claimant

HZ OPS HOLDINGS, INC.
Employer

**APPEAL 20A-UI-06362-ED-T
ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 04/12/20
Claimant: Appellant (1)**

Iowa Code Sec. 96.5(1) – Voluntary Quitting
Iowa Code Sec. 96.5(2)A -- Discharge for Misconduct

STATEMENT OF THE CASE:

Claimant filed an appeal from the (reference 01) unemployment insurance decision issued on June 12, 2020 that denied benefits for voluntarily leaving employment without good cause attributable to the employer. The parties were properly notified of the hearing. A telephone hearing was held on July 21, 2020 at 8:00 AM. Claimant participated and claimant's girlfriend, Brittany Reynolds testified on his behalf. Employer participated through Kelley Williams and Katrina Castle. No exhibits were admitted. Official notice was taken of the administrative record.

ISSUE:

Whether claimant's separation was a voluntary quit without good cause attributable to employer.
Whether claimant's separation was a discharge for misconduct.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a part-time cook from March 2019 until his employment ended. Claimant's direct supervisor's first name was Todd. On or about April 5, 2020 claimant left work because he felt sick. As a cook, Claimant feared exposing others to his illness. Claimant also feared being exposed to Covid-19. Claimant told his supervisor he wanted to leave his shift that day. His supervisor responded that he would receive a write up if he left. Claimant was not told by a physician that he must leave, quit his job or quarantine. Claimant left in the middle of his shift and did not return to work.

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:

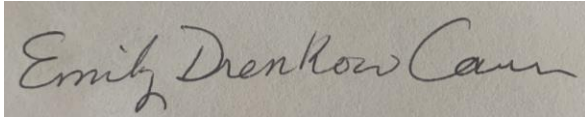
- (2) The claimant left due to unsafe working conditions.
- (4) The claimant left due to intolerable or detrimental working conditions.

Claimant voluntarily quit his employment due to valid concerns he had about his health and safety due to potential exposure to Covid-19. While claimant had good personal reasons for quitting his job, those reasons are not attributable to the employer. 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.

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>.

DECISION:

The June 12, 2020 (reference 01) unemployment insurance 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.

A rectangular image showing a handwritten signature in dark ink on a light-colored, textured background. The signature reads "Emily Drenkow Carr" in a cursive script.

Emily Drenkow Carr

July 31, 2020

Decision Dated and Mailed

ed/sam