

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

GRETCHEN ROSE

Claimant

MIDAMERICAN ENERGY COMPANY

Employer

APPEAL 20A-UI-06237-HP-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/17/20

Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Code § 96.5(2) – Discharge Due to Misconduct

STATEMENT OF THE CASE:

Claimant Gretchen Rose filed an appeal from a June 5, 2020 (reference 01) unemployment insurance decision that denied benefits based upon her voluntarily quitting work without good cause attributable to the employer, MidAmerican Energy Company (“MidAmerican”). Notices of hearing were mailed to the parties’ last known addresses of record for a telephone hearing scheduled for July 17, 2020. Rose appeared and testified. No one appeared on behalf of MidAmerican. I also took administrative notice of the claimant’s unemployment insurance benefits records maintained by Iowa Workforce Development.

ISSUE:

Did the claimant voluntarily quit the employment with good cause attributable to the employer?

FINDINGS OF FACT:

Rose commenced full-time employment with MidAmerican on September 20, 2013. At the end of her employment she was a billing representative. Rose’s direct supervisor was Natasha Rodgers.

Rose is a person with asthma. Her physician notified her she was at high risk for complications from Covid-19. Rose became sick and left work on April 29, 2020. MidAmerican granted Rose two weeks of paid Covid-19 leave. Rose’s test came back negative, but her physician believed she had Covid-19.

Rose was scheduled to work on May 12, 2020. Rose did not have a good internet connection to work from home and she did not want to return to the office. Rose worked approximately six feet away from her coworkers. Up until the time Rose quit, MidAmerican required her to work in the office some days per week and offered Rose the opportunity to work from home other days per week. Rose reported she was concerned about the cleaning in the building and employees were told they did not need masks while working.

Rose had been struggling with Rogers, her supervisor, for two years. Rodgers made Rose check in daily during the two weeks she was off for Covid-related leave. Rose reported Rodgers targeted her at work and assigned her more work than she assigned Rose's coworkers and she would chastise Rose for not getting her work done. Rose reported Rodgers was more critical of her work than she was of her coworkers. Rodgers would tell Rose she had done something wrong and when Rose's coworker would do the same thing, Rodgers did not tell them they were doing something wrong. Rose complained to human resources about the treatment and nothing happened.

Rose was diagnosed with bipolar affective disorder and generalized anxiety disorder approximately fifteen years ago. Rose shared her diagnoses with Rodgers. In January 2020 Rose went into Rodgers's office. Rogers told her "the weather is being bipolar." Rose was offended by the comment. She reported the comment to human resources and nothing happened.

Rose reported Rodgers told her she had exhausted her leave and she could either resign or be terminated. Rose submitted a termination letter to Rodgers the evening of May 12, 2020.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) provides an individual "shall be disqualified for benefits, regardless of the source of the individual's wage credits:If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department." The Iowa Supreme Court has held a "voluntary quit" means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer." *Wills v. Emp't Appeal Bd.*, 447 N.W.2d 137, 138 (Iowa 1989). A voluntary quit requires "an intention to terminate the employment relationship accompanied by an overt act carrying out the intent." *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438, 440 (Iowa Ct. App. 1992). "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).

871 Iowa Administrative Code 24.25(21) 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.

871 Iowa Administrative Code 24.26(4) provides:


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:

24.26(4) The claimant left due to intolerable or detrimental working conditions.

Rose complained to human resources that Rodgers was targeting her and that Rodgers had made an inappropriate reference to the weather being "bipolar." Nothing changed when Rose complained. Additionally, Rose is a person with asthma. She was off work for two weeks because she was symptomatic for Covid-19. MidAmerican required Rose to work in the office and stated the employees did not need to wear masks. Rose was concerned for her safety. She did not have reliable internet at home and she was afraid to go to the office. Therefore, Rose submitted her resignation. No one appeared on behalf of MidAmerican to contradict Rose's testimony. After considering the evidence in this case I find Rose quit her job with good cause attributable to MidAmerican. Benefits are allowed.

DECISION:

The June 5, 2020 (reference 01) unemployment insurance decision denying unemployment insurance benefits is reversed in favor of the claimant/appellant. Benefits are allowed, provided the claimant is otherwise eligible.



Heather L. Palmer
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July 24, 2020
Decision Dated and Mailed

hlp/scn