

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**STEVEN J HALL**  
Claimant

**ENTERPRISE RENT A CAR COMPANY**  
Employer

**APPEAL 21A-UI-12973-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 May 21, 2021, claimant, Steven J. Hall, filed an appeal from the May 18, 2021, reference 01, unemployment insurance decision that denied benefits based upon the determination that claimant quit employment with the employer, Enterprise Rent-A-Car Company, without showing good cause attributable to the employer. The parties were properly notified about the hearing held by telephone on August 3, 2021. The claimant participated personally. The employer participated through Daylee Schultz. Pursuant to notice, the hearing was consolidated with 21A-UI-12974-AR-T.

**ISSUE:**

Did the claimant 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 driver beginning on August 30, 2012, and was separated from employment on March 1, 2021, when he resigned.

On November 20, 2020, claimant submitted a doctor's note to the employer indicating that, due to respiratory conditions, claimant was not permitted to return to work. The doctor's note indicated that this would persist until March 1, 2021. On March 1, 2021, Schultz called claimant and asked him whether he was ready to return to work. The two discussed the employer's pandemic mitigation efforts, including its mandate that all employees wear masks. Claimant told Schultz that he could not wear a mask for extended periods of time and would not return to work as the result of the pandemic and the employer's policy regarding masks. Work was available for claimant had he agreed to return at that time. The employer considered claimant separated from employment due to voluntary resignation as of March 1, 2021.

**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.

Though claimant testified that he regarded the separation as a discharge, the employer testified that it offered him continued work had he agreed to return. The separation was a voluntary quit, not a discharge.

Iowa Admin. Code r. 871—24.25(35) 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:

(35) The claimant left because of illness or injury which was not caused or aggravated by the employment or pregnancy and failed to:

- (a) Obtain the advice of a licensed and practicing physician;
- (b) Obtain certification of release for work from a licensed and practicing physician;
- (c) Return to the employer and offer services upon recovery and certification for work by a licensed and practicing physician; or
- (d) Fully recover so that the claimant could perform all of the duties of the job.

The court in *Gilmore v. Empl. Appeal Bd.*, 695 N.W.2d 44 (Iowa Ct. App. 2004) noted that:

"Insofar as the Employment Security Law is not designed to provide health and disability insurance, only those employees who experience illness-induced separations that can fairly be attributed to the employer are properly eligible for unemployment benefits." *White v. Emp't Appeal Bd.*, 487 N.W.2d 342, 345 (Iowa 1992) (citing *Butts v. Iowa Dep't of Job Serv.*, 328 N.W.2d 515, 517 (Iowa 1983)).

In 1995, the Iowa Administrative Code was amended to include an intent-to-quit requirement added to rule 871—24.26(6)(b), the provision addressing work-related health problems. *Hy-Vee, Inc. v. Emp't Appeal Bd.*, 710 N.W.2d 1 (Iowa 2005).

Here, claimant was restricted from working by his doctor for health conditions unrelated to his employment. He had not been released to return to work at the employer as of the time of the separation. He had not received a release to return to work by his physician, nor had he returned to the employer to offer his services. While claimant's leaving was based on good personal reasons, it was not based on good-cause reasons according to Iowa law. Benefits are denied.

**DECISION:**

The May 18, 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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Alexis D. Rowe  
Administrative Law Judge

August 6, 2021  
Decision Dated and Mailed

ar/kmj