

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**JERRY L WOOTEN**  
Claimant

**SEABOARD TRIUMPH FOODS LLC**  
Employer

**APPEAL 20A-UI-11727-SC-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 06/21/20**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

On September 21, 2020, Jerry L. Wooten (claimant) filed an appeal from the September 15, 2020, reference 01, unemployment insurance decision that denied benefits effective June 21, 2020, based upon the determination he voluntarily quit employment with Seaboard Triumph Foods, LLC (employer) because he was dissatisfied with the work environment. The parties were properly notified about the hearing held by telephone on November 16, 2020. The claimant participated personally. The employer did not respond to the hearing notice and did not participate. No exhibits were offered into the record.

**ISSUE:**

Did the claimant voluntarily quit employment with 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 full-time as an Automatic Loin Puller beginning on September 23, 2019, and was separated from employment on June 14, 2020, when he quit. The claimant works in a small, elevated area with industrial machines and a heated hose.

In April or May, the employer started requiring employees to wear face shields and masks as a result of the COVID-19 pandemic. Initially, the claimant's supervisor told the claimant that he did not have to wear the face shield. However, on or about June 13, the claimant was advised that he would be required to wear the face shield. He told Deb, the head of HR, that he did not feel safe doing so because of the potential for limited visibility and a broken guard on one of his machines. Deb told the claimant that wearing the shield was part of his job and, if he could not do it, then he could be laid off until the pandemic ended. The claimant said he needed to work and agreed to wear the face shield. Deb also had the maintenance team inspect the claimant's machine and they ordered the necessary parts to repair the machine.

On June 14, the claimant reported to work and worked for one hour wearing the face shield. After that hour, he spoke with Deb and told her that he no longer wanted to work for the

employer if he had to wear the face shield. He explained the face shield made him panicky and it would eventually fog up. He signed a voluntary resignation and his employment ended.

**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. Benefits are denied.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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 provides, in relevant part:

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.

...

(27) The claimant left rather than perform the assigned work as instructed.

Iowa Admin. Code r. 871-24.26(2) 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:

(2) The claimant left due to unsafe working conditions.

The 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).

The claimant has not established that he left employment with good cause attributable to the employer. The claimant's contention that the face shield created unsafe working conditions is not persuasive. The claimant's co-workers, working on the production line, also wore the face shield without issue. The claimant did not want to wear the face shield because it was burdensome. However, not wanting to wear safety equipment does not constitute good cause to leave that is attributable to the employer. Benefits are denied.

**DECISION:**

The September 15, 2020, reference 01, unemployment insurance decision is affirmed. The claimant voluntarily left the 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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Stephanie R. Callahan  
Administrative Law Judge

December 3, 2020  
Decision Dated and Mailed

src/scn

*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 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>. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits.