IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS

ANGIE K MATTHIAS Claimant **MASTERBRAND CABINETS INC** Employer	**APPEAL NO. 21A-UI-23308-JTT** **ADMINISTRATIVE LAW JUDGE DECISION** **OC: 09/05/21** **Claimant: Appellant (1)**

Iowa Code Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

The claimant, Angie Mathias, filed a timely appeal from the October 11, 2021, reference 01, decision that disqualified her for benefits and that held the employer's account would not be charged for benefits, based on the deputy's conclusion that the claimant voluntarily quit on September 1, 2021 without good cause attributable to the employer. After due notice was issued, a hearing was held on December 10, 2021. The claimant participated. The employer did not comply with the hearing notice instructions to call the designated number at the time of the hearing and did not participate. Exhibit A was received into evidence.

ISSUE:

Whether the claimant's voluntary quit was for 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, Angie Matthias, was employed by Masterbrand Cabinets, Inc. for at least three years before she voluntarily quit the employment on September 1, 2021. During the last year and a half of the employment, the claimant worked in the clamping area. The claimant's duties in the clamping area were to ensure that corners of cabinet doors were correctly joined and to wipe off excess glue. The claimant's work hours were 6:00 a.m. to 4:30 p.m. Monday through Friday.

About nine months before the claimant quit, the employer installed bright industrial task lights that were positioned to the side of the cabinet doors the claimant handled. The light was directed at the doors. The purpose of the additional lighting was to assist the claimant in seeing glue that needed to be wiped off the cabinet doors.

About a decade ago, the claimant underwent Lasik eye surgery, which led to an infection in the claimant's eye and to chronic sensitivity to bright light.

For about six months after the employer installed the additional lighting, the claimant's supervisor did not require her to have the new lights on.

About three months before the employment came to an end, another supervisor insisted that the claimant use the bright lights while she performed her work duties. The claimant found the light to be excessively bright and uncomfortable. After the claimant got a note from her eye doctor regarding her light-sensitivity and the need to address the industrial task lighting, the employer provided the claimant with tinted work glasses to wear over her regular glasses. The claimant found it difficult to keep the tinted glasses in place. The double layer of glasses and the tinted lenses, made more difficult for the claimant to see the cabinet door corners clearly. The claimant concluded she could not perform the work in a satisfactory manner. The employer did not raise concerns about the quality of the claimant's work. The claimant raised her concern to the employer. The employer expressed a willingness to get prescription tinted glasses for the claimant so that she could avoid wearing two pairs of glasses at a time. The claimant left the employment before this accommodation could be put in place. The claimant attempted to bid in to a different job that would not require her to work in the bright light, but was unsuccessful. The claimant advises that coworkers had a similar experience with the bright task lighting and left their employment. The claimant did not return to her doctor for an additional note. The claimant's doctor did not advise the claimant to leave the employment.

The matter came to a head on September 1, 2021. On that day, the claimant told her supervisor she could not deal with the lights any more. The supervisor said the claimant would be written up if she did not use the lights. The claimant had received no prior reprimands or warnings. The claimant replied that she would just put in her two-week notice. Shortly thereafter, the claimant's supervisor escorted the claimant to the human resources office. The claimant told the employer she could not wear the tinted glasses and was not going to have the industrial task lights on in her work area. The employer provided the claimant with a choice: the claimant could work with the task lighting on, the claimant could quit, or the claimant could be fired. The claimant elected to quit the employment, signed a voluntary resignation form, and separated from the employment.

REASONING AND CONCLUSIONS OF LAW:

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See *Local Lodge #1426 v. Wilson Trailer,* 289 N.W.2d 698, 612 (Iowa 1980) and *Peck v. EAB*, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

Iowa Code section 96.5(1)(d) provides:

> An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:
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> 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. But the individual shall not be disqualified if the department finds that:
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> d. The individual left employment because of illness, injury or pregnancy upon the advice of a licensed and practicing physician, and upon knowledge of the necessity for absence immediately notified the employer, or the employer consented to the absence, and after recovering from the illness, injury or pregnancy, when recovery was certified by a licensed and practicing physician, the individual returned to the employer and offered to perform services and the

> individual's regular work or comparable suitable work was not available, if so found by the department, provided the individual is otherwise eligible.

Iowa Administrative Code rule 817-24.26(6) provides as follows:

> Separation because of illness, injury, or pregnancy.
>
> a. Nonemployment related separation. The claimant left because of illness, injury or pregnancy upon the advice of a licensed and practicing physician. Upon recovery, when recovery was certified by a licensed and practicing physician, the claimant returned and offered to perform services to the employer, but no suitable, comparable work was available. Recovery is defined as the ability of the claimant to perform all of the duties of the previous employment.
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> b. Employment related separation. The claimant was compelled to leave employment because of an illness, injury, or allergy condition that was attributable to the employment. Factors and circumstances directly connected with the employment which caused or aggravated the illness, injury, allergy, or disease to the employee which made it impossible for the employee to continue in employment because of serious danger to the employee's health may be held to be an involuntary termination of employment and constitute good cause attributable to the employer. The claimant will be eligible for benefits if compelled to leave employment as a result of an injury suffered on the job.
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> In order to be eligible under this paragraph "b" an individual must present competent evidence showing adequate health reasons to justify termination; before quitting have informed the employer of the work–related health problem and inform the employer that the individual intends to quit unless the problem is corrected or the individual is reasonably accommodated. Reasonable accommodation includes other comparable work which is not injurious to the claimant's health and for which the claimant must remain available.

Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See Iowa Admin. Code r. 871-24.26(4). The test is whether a reasonable person would have quit under the circumstances. See *Aalbers v. Iowa Department of Job Service*, 431 N.W.2d 330 (Iowa 1988) and *O'Brien v. Employment Appeal Bd.,* 494 N.W.2d 660 (1993). Aside from quits based on medical reasons, prior notification of the employer before a resignation for intolerable or detrimental working conditions is not required. See *Hy-Vee v. EAB*, 710 N.W.2d (Iowa 2005).

Quits due to dissatisfaction with the work environment and/or in response to reprimands are presumed to be without good cause attributable to the employer. Iowa Admin. Code r. 871-24.25(21) and (28).

An employer has an obligation to provide an employee with reasonable accommodations that enable the employee to continue in the employment. See *Sierra v. Employment Appeal Board*, 508 N.W. 2d 719 (Iowa 1993).

The evidence in the record establishes a voluntary quit without good cause attributable to the employer. The claimant had a non-work related health issue, light sensitivity, that was negatively impacted by the bright industrial task lighting the employer installed for quality control purposes. The employer was willing to provide reasonable accommodations so the claimant could continue in the employment, but was not willing to provide unreasonable accommodations. When the claimant provided the note from her doctor regarding the light sensitivity issue, the employer provided a reasonable accommodation by proving tinted work/safety glasses for the claimant to wear over her prescription glasses. When the claimant

raised a concern about that accommodation not working as well as the claimant wished, the employer expressed a willingness to provide a second, more costly reasonable accommodation, tinted prescription glasses. Rather than take the reasonable step of dealing with the tinted safety glasses until the tinted prescription glasses could be ordered and received, the claimant short-circuited that reasonable accommodation process and refused to continue working unless the employer allowed her to work without the task lighting. When the employer threatened a reprimand, the claimant verbally gave her two-week notice. During the office meeting the followed shortly thereafter, the claimant renewed her refusal to work through the reasonable accommodation process and elected to voluntarily separate from the employment. The claimant's quit was not upon the advice of a doctor. The weight of the evidence fails to establish it was necessary for the claimant to leave the employment to avoid serious danger to her health. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to 10 times her weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged.

DECISION:

The October 11, 2021, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to 10 times her weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

January 14, 2022
Decision Dated and Mailed

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