

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

STEVEN RICHARDSON
Claimant

COLLIS INC
Employer

APPEAL 20A-UI-05110-HP-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/05/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

Claimant Steven Richardson filed an appeal from a May 28, 2020 (reference 01) unemployment insurance decision that denied benefits based upon him voluntarily quitting work without good cause attributable to the employer, Collis Inc. ("Collis"). Notices of hearing were mailed to the parties' last known addresses of record for a telephone hearing scheduled for June 26, 2020 at 9:00 a.m. At the time of the hearing Richardson appeared and testified. No one appeared on behalf of Collis. I also took administrative notice of Richardson'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:

Richardson has worked for Collis twice, once from August through November 2019, and again in March and April 2020. This appeal concerns his employment in 2020. Collis manufactures refrigerator parts, racks for ovens, and racks for refrigerators. Collis hired Richardson in March 2020 to work as a full-time resistance welder.

Richardson initially worked in the resistance welding department. Collis later moved him to the powder coat department. In the power coat department Richardson was working in close proximity to his coworkers where he and his coworkers would physically touch each other while working on an assembly line. Richardson told his supervisor, Jason, he felt uncomfortable working in close proximity to his coworkers due to the development of Covid-19. Jason told Richardson he would try to move him to the paint booth. Collis did not move Richardson to the paint booth.

Richardson's normal supervisor in resistance welding had been subject to layoff. Richardson testified the last day of his employment, April 2, 2020, Collis told the employees in the powder coat department not to come to work the next day because of a layoff. Richardson had been working in the powder coat department, but he had been hired to work in resistance welding. Later that morning Richardson spoke with Tina, the shift manager, and told her he was concerned

about contracting Covid-19 when he worked in such close proximity to his coworkers in the powder coat department. Richardson testified Tina told him “I don’t care, that is where you are going.” Richardson quit and left Collis.

Richardson testified he quit his employment with Collis because he was concerned he would contract Covid-19 and infect his two young children. Richardson was not aware anyone at Collis had tested positive for Covid-19. He reported he asked Jason for a facemask on one occasion and Jason told him Collis did not have any face masks. Richardson and his children do not have any personal health conditions that make them more at risk for Covid-19 than the general population. Richardson’s medical provider had not recommended he resign from Collis due to a personal health condition or that of a family member.

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).

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(1) and (4), also 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:

24.26(1) A change in the contract of hire. An employer’s willful breach of contract of hire shall not be a disqualifiable issue. This would include any change that would jeopardize the worker’s safety, health or morals. The change of contract of hire must be substantial in nature and could involve changes in working hours, shifts, remuneration, location of employment, drastic modification in type of work,

etc. Minor changes in a worker's routine on the job would not constitute a change of contract of hire.

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

"Change in the contract of hire" means a substantial change in the terms or conditions of employment. See *Wiese v. Iowa Dept. of Job Serv.*, 389 N.W.2d 676, 679 (Iowa 1986). Generally, a substantial reduction in hours or pay will give an employee good cause for quitting. See *Dehmel v. Emp't Appeal Bd.*, 433 N.W.2d 700 (Iowa 1988). In analyzing such cases, the Iowa Courts look at the impact on the claimant, rather than the employer's motivation. *Id.* An employee acquiesces in a change in the conditions of employment if he or she does not resign in a timely manner. See *Olson v. Emp't Appeal Bd.*, 460 N.W.2d 865 (Iowa Ct. App. 1990).

While Richardson did not want to be assigned to the powder coat department, there is no evidence his hours or pay changed. This change is a minor change and does not constitute a change of contract of hire. Richardson testified Collis told the powder coat department employees they were going to be subject to a layoff the next day. Richardson did not ask if he would be subject to layoff. Rather, he asked Tina to be reassigned to a different area because he was concerned about contracting Covid-19. She refused and he quit. There was no evidence presented Richardson or his family members are more at risk of contracting Covid-19 than the general public. There was no evidence presented anyone at Collis had tested positive for Covid-19. I do not find a reasonable person to believe his working conditions were intolerable or detrimental where a reasonable person would feel compelled to quit. I find, after carefully considering the evidence in this case, Richardson voluntarily quit his job without good cause attributable to Collis. Benefits are denied.

While the claimant may not be eligible for regular State of Iowa unemployment insurance benefits, the claimant may be eligible for unemployment insurance benefits that have been made available to claimants under the Coronavirus Aid, Relief, and Economic Security Act ("Cares Act"). The Pandemic Unemployment Assistance ("PUA") section of the Cares Act discusses eligibility for claimants who are unemployed due to the Coronavirus. For claimants who are ineligible for regular unemployment insurance benefits under Iowa Code Chapter 96, they may be eligible under PUA.

Note to Claimant: If this decision determines you are not eligible for regular unemployment insurance benefits and 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>. This decision denies benefits. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits.

DECISION:

The May 28, 2020 (reference 01) unemployment insurance decision denying unemployment insurance benefits is affirmed. Claimant voluntarily quit his employment with the employer on April 2, 2020. Unemployment insurance benefits are denied until the claimant has worked in and earned wages for insured work equal to ten times his weekly benefit amount after his separation date, and provided he is otherwise eligible.



Heather L. Palmer
Administrative Law Judge
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July 9, 2020
Decision Dated and Mailed

hlp/sam