

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319**

MULUEMEBET S DEGEFA

Claimant

and

SEABOARD TRIUMPH FOODS LLC

Employer

:
:
:
:
:
:
:
:
:
:

HEARING NUMBER: 21B-UI-02840

**EMPLOYMENT APPEAL BOARD
DECISION**

NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT** IS FILED WITHIN **30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.5-1

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

The Employer appealed this case to the Employment Appeal Board. Two members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds it cannot affirm the administrative law judge's decision. The Employment Appeal Board **REVERSES** as set forth below.

FINDINGS OF FACT:

The Claimant, Muluemebet Degefa, worked for Seaboard Triumph Foods from September 16, 2019 through April 18, 2020 as a full-time general laborer. The Claimant's first language is Amharic; however, she can speak some English. In mid-March of 2020, the Claimant became concerned because people at work were getting sick, and many were quitting. The Claimant has two young children (ages 2 and 5 years old) at home, and feared she was placing herself and her children at risk due to COVID. The Employer provided shields with attached face masks for employees who had to work together. The Claimant did not believe these measures were adequate and completed a termination form giving her two-week notice on April 18, 2020 indicating she no longer had a babysitter. The Claimant could have taken a leave of absence, but chose not to.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits: *Voluntary Quitting*. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

871 IAC 24.25 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...

The Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code §96.6(2) (amended 1998).

Both parties acknowledge the Claimant's stated reason for quitting was, initially, due to the fact she no longer had childcare for her two young children, aged 2 and 5 years old. Secondly, the Claimant raised safety concerns due to COVID, which the Employer had already addressed by requiring employees to wear a shielded mask. The record establishes the Claimant found these measures to be insufficient. While we can certainly sympathize with the Claimant's concerns for her family, her reasons for quitting cannot be attributable to the Employer. The Claimant did have the option of taking a leave of absence to stay home and minimize both her and her children's risk of exposure, but for whatever reason, she chose not to exercise this option. Based on this record, we conclude the Claimant failed to satisfy her burden of proof.

DECISION:

The administrative law judge's decision dated March 15, 2021 is **REVERSED**. The Employment Appeal Board concludes that the Claimant voluntarily quit her employment without good cause attributable to the Employer. Accordingly, she is denied benefits until such time she has worked in and was paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. See, Iowa Code section 96.5(1)"g".

James M. Strohman