

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MELISSA L ODONALD
Claimant

CASEY'S MARKETING COMPANY
Employer

APPEAL 20A-UI-12042-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/26/20
Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On September 24, 2020, the claimant filed an appeal from the September 15, 2020, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on November 23, 2020. Claimant participated. Employer did not register for the hearing and did not participate.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer in September 2015. Claimant last worked as a part-time cashier. Claimant was separated from employment on July 12, 2020, when she resigned.

In March 2020, the United States declared a public health emergency due to the COVID 19 pandemic. Employer's corporate office adopted a policy requiring its stores to disinfect frequently touched surfaces every hour. Claimant put out a bleach bucket and dated the bucket each day she worked. When claimant had time off and returned to the store, she would often find the bleach bucket that she filled several days prior. In other words, no one was changing the bleach or performing the required cleaning while claimant was gone. Claimant complained about this issue on numerous occasions to store manager, Jessica Martinez. Nothing improved.

In April 2020, employer also adopted a policy requiring employees to wear face masks while at work. Even so, kitchen employees failed to wear masks on a regular basis. Claimant complained about the issue to Martinez, but the issue never improved.

On July 12, 2020, claimant arrived at work. The bleach had not been changed in the days since claimant had worked. Employees were not wearing masks. Claimant called her store manager and left her a voice message stating she had resigned.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant voluntarily left the employment with good cause attributable to the employer.

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. 871-24.26(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.

In this case, claimant resigned due to unsafe working conditions. Claimant's manager refused to enforce the standards that the corporate office deemed created a safe environment for employees and customers alike. A reasonable person in claimant's position would have also resigned. Claimant established she resigned for a good cause reason attributable to employer.

DECISION:

The September 15, 2020, (reference 01) unemployment insurance decision is reversed. Claimant voluntarily left the employment with good cause attributable to the employer. Benefits are allowed, provided she is otherwise eligible.



Christine A. Louis
Administrative Law Judge
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December 4, 2020
Decision Dated and Mailed

cal/scn