

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**PATRICIA A JOHNSON**  
Claimant

**MERCY HEALTH SERVICES – IOWA CORP**  
Employer

**APPEAL 20A-UI-13487-AW-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/12/20**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the October 26, 2020 (reference 03) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on December 30, 2020, at 8:05 a.m. Claimant participated with her attorney, Mark Sullivan. Employer participated through Michael Baughman, Hearing Representative, and Brenda Cox, Human Resources Specialist. Claimant's Exhibits 1 – 5 were admitted. Official notice was taken of the administrative record.

**ISSUE:**

Whether claimant's separation was a voluntary quit for good cause attributable to employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a part-time Pharmacy Technician from August 20, 1973 until her employment with Mercy Health Services - Iowa ended on May 31, 2020. Claimant last performed work for employer on March 19, 2020. Claimant became concerned about Covid-19 due to her age and underlying health condition. Claimant's job duties required her to access many areas of the hospital, use shared items, and interact with coworkers and patients. Employer had a shortage of Personal Protective Equipment (PPE) and advised claimant not to wear gloves when performing her job duties, but to wash her hands regularly. Claimant was advised by her physician to isolate and not return to work. Due to claimant's concerns, she requested and received a leave of absence from employer.

During claimant's leave of absence, employer began requiring everyone in the hospital to wear masks, performing temperature screenings on employees and visitors, and restricting the number of visitors in the hospital. Employer informed claimant of these changes. Claimant remained concerned about returning to work. On May 19, 2020, claimant submitted a Notice of Resignation indicating she was leaving her employment because she did not feel safe in her health care job due to Covid-19 because she is at an increased risk of contracting Covid-19 due to her age and medical condition. (Exhibit 4-1) Claimant has not been released by her physician to return to work. Employer had continuing work available for claimant. Claimant's job was not in jeopardy.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant voluntarily quit her employment without good cause attributable to employer. Benefits are denied.

Iowa Code § 96.5(1) provides: An individual shall be disqualified for benefits, if the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

A voluntary quitting means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer and requires an intention to terminate the employment. *Wills v. Emp't Appeal Bd.*, 447 N.W.2d 137, 138 (Iowa 1989). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980); *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992).

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 standard of what a reasonable person would have believed under the circumstances is applied in determining whether a claimant left work voluntarily with good cause attributable to the employer. *O'Brien v. Employment Appeal Bd.*, 494 N.W.2d 660 (Iowa 1993).

Iowa Admin. Code r. 871-24.25(20) 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:

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

Iowa Admin. Code r. 871-24.26(2), (4) 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:

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

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

Claimant's written resignation is both evidence of her intention to sever the employment relationship and an overt act of carrying out her intention. Claimant alleges that her resignation

was not voluntary; however, she was not forced to resign by employer. Therefore, claimant voluntarily quit her employment.

Claimant quit due to her concerns about Covid-19 and her age and underlying medical condition. Claimant was following the advice of her physician not to work and to quarantine due to Covid-19. While claimant had a good personal reason for quitting, her reason is not attributable to employer. Employer implemented protocols during claimant's leave of absence to increase employee safety and protection against Covid-19. Claimant has not established that the working conditions were unsafe, intolerable or detrimental at the time she resigned. Claimant has not met her burden of proving she voluntarily quit her employment for good cause attributable to employer. Benefits are denied.

**DECISION:**

The October 26, 2020 (reference 03) unemployment insurance decision is affirmed. Claimant voluntarily quit without good cause attributable to employer. Benefits are denied until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.



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January 15, 2021  
Decision Dated and Mailed

acw/mh