

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KEITH J MUEHLENTHALER
Claimant

WALMART INC
Employer

APPEAL 21A-UI-22755-DB-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/29/21
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting of Work

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the October 4, 2021 (reference 01) unemployment insurance decision that denied benefits to the claimant based upon a voluntarily quitting work. The parties were properly notified of the hearing. A telephone hearing was held on December 6, 2021. The claimant participated personally. The employer participated through witness Adam DeLancey. The administrative law judge took official notice of the claimant's unemployment insurance benefits records.

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 was working for the employer on a part-time basis as a merchandiser. Claimant had begun his employment on July 29, 2017. On August 2, 2021, the employer instituted a rule wherein employees were required to wear masks as part of the employer's mitigation of the spread of COVID-19. Customers were not required to wear masks at that time. Claimant disagreed with this rule and tendered his verbal resignation. There was continued work available if he had not quit. Claimant did not visit with his medical provider about work restrictions or request an accommodation from the employer.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code §96.5(1) provides:

An individual shall be disqualified for benefits:

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.

Claimant had an intention to quit and carried out that intention by tendering his verbal resignation. As such, 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).

Iowa Admin. Code r. 871-24.25(21) provides:

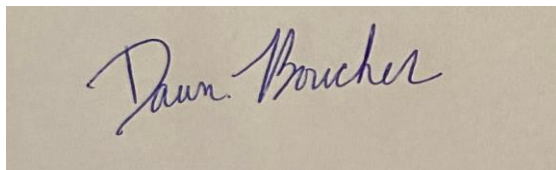
Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified 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.

The claimant voluntarily quit because of his dissatisfaction with the work environment and the fact that the employer's rule required employees but not customers to wear a mask. The claimant's voluntary quitting was not for a good-cause reason attributable to the employer according to Iowa law. As such, the separation from employment is disqualifying and unemployment insurance benefits funded by the State of Iowa must be denied.

DECISION:

The October 4, 2021 (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily quit employment without good cause attributable to the employer on August 2, 2021. Unemployment insurance benefits funded by the State of Iowa are denied until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount after his August 2, 2021 separation date, and provided he is otherwise eligible.



Dawn Boucher
Administrative Law Judge

December 13, 2021
Decision Dated and Mailed

db/db