

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOHN R FRAKES
Claimant

WALMART INC
Employer

APPEAL 20A-UI-07917-J1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 4/26/20
Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On July 3, 2020, the claimant filed an appeal from the June 25, 2020, (reference 01) unemployment insurance decision that denied benefits based on voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on August 17, 2020. Claimant participated. Employer participated through Michelle Means Assistant Manager. Claimant submitted two letters which were admitted as Exhibits A and B. Employer submitted an Exhibit concerning a leave of absence from April 7, 2020 through April 11, 2020 as Exhibit C.

ISSUE:

Did claimant quit with good cause attributable to his employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on November 11, 2019. Claimant last worked as a full-time MOD Assembler. Claimant was separated from employment on April 16, 2020, when he submitted a letter of resignation.

Claimant testified that he was 65-years old. Claimant worked the night shift, from 10:00 p.m. until 7:00 a.m. Claimant's position was to assemble shelving and arrange and label stock on shelves. Claimant testified that he had concerns about his exposure to Covid-19 in the work place. Claimant testified that his age was a factor in his concern about Covid-19 and he had no other underlying health conditions. The employer shut down to being open shortly before claimant resigned. Claimant did work around his co-workers and was not able to practice social distancing. Claimant testified that the coworker and claimant were not wearing masks.

Claimant had a fever and requested Covid-19 related leave from his employer, which was granted for April 7 through April 11, 2020. (Ex. C) Claimant returned to work and submitted a letter of resignation on April 16, 2020, which was his last day of work at Walmart. Claimant testified that he had arranged other employment before he submitted his letter of resignation. Claimant considered this new job to be better, as it would reduce his exposure to Covid-19. Claimant did

work for a couple of weeks after he left Walmart and was laid off. Claimant has been able and available for work.

REASONING AND CONCLUSIONS OF LAW:

Iowa Admin. Code r. 871-23.43(5) provides:

(5) Sole purpose. The claimant shall be eligible for benefits even though the claimant voluntarily quit if the claimant left for the sole purpose of accepting an offer of other or better employment, which the claimant did accept, and from which the claimant is separated, before or after having started the new employment. No charge shall accrue to the account of the former voluntarily quit employer.

I find that claimant quit his employment at Walmart to take better employment. Claimant did perform such employment and was subsequently laid off. I find claimant is eligible for unemployment insurance benefits, however Walmart shall not be charged for claimant's quit.

DECISION:

Regular Unemployment Insurance Benefits Under State Law

The June 25, 2020, (reference 01) unemployment insurance decision is reversed. Benefits are awarded, provided he is otherwise eligible. No charge shall accrue to the account of the former voluntarily quit employer.



James F. Elliott
Administrative Law Judge

August 24, 2020
Decision Dated and Mailed

je/sam