

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KHALID F HASSABALLA
Claimant

APPEAL 21A-UI-12171-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

REM IOWA COMMUNITY SERVICES INC
Employer

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

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Khalid F Hassaballa, the claimant/appellant filed an appeal from the April 28, 2021, (reference 04) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on July 23, 2021. Mr. Hassaballa participated and testified. The employer participated through Darlene Burnham, program director and Jackie Boudreaux, ADP hearing representative. Official notice was taken of the administrative record.

ISSUE:

Did Mr. Hassaballa voluntarily quit without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Hassaballa began working for the employer on June 19, 2019. He worked as a full-time personal aide.

In March 2020, the United States declared a public health emergency because of the COVID-19 pandemic. Mr. Hassaballa's wife has underlying health conditions that make her high risk for complications from COVID-19. Mr. Hassaballa was concerned about being exposed to COVID-19 at work and exposing his wife and/or his children to COVID-19. In April 2020, one of the client's Mr. Hassaballa provided care for, tested positive for COVID-19. The employer sent Mr. Hassaballa home for two weeks to self-quarantine. Mr. Hassaballa returned to work after the two weeks.

Sometime in August 2020, Mr. Hassaballa asked to take a leave of absence due to his ongoing concerns about COVID-19 and because he was experiencing COVID-19 symptoms. The employer denied his request so Mr. Hassaballa resigned on September 1, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Mr. Hassaballa's separation from employment was without good cause attributable to the employer.

Iowa Code section 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.

Iowa Admin. Code r. 871-24.25(37) 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:

(37) The claimant will be considered to have left employment voluntarily when such claimant gave the employer notice of an intention to resign and the employer accepted such resignation. This rule shall also apply to the claimant who was employed by an educational institution who has declined or refused to accept a new contract or reasonable assurance of work for a successive academic term or year and the offer of work was within the purview of the individual's training and experience.

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). The 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).

In this case, Mr. Hassaballa resigned because he was concerned about his wife and his children's health. Mr. Hassaballa did what was best for his family. However, his leaving employment was not for a good-cause reason attributable to the employer according to Iowa law. Benefits are denied.

DECISION:

The April 28, 2021, (reference 04) unemployment insurance decision is affirmed. Mr. Hassaballa voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.



Daniel Zeno
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July 30, 2021
Decision Dated and Mailed

dz/scn