

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JERRY L COPPESS
Claimant

RIVERSIDE CASINO & GOLF RESORT
Employer

APPEAL 21A-UI-20555-JD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 04/25/21
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

On September 20, 2021, the claimant filed an appeal from the September 9, 2021, (reference 04) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on November 8, 2021. Claimant Jerry Coppes participated and testified. Employer participated through Mackenzie Sperfslage, Human Resources Business Partner. Claimant's Exhibit A, B were offered and admitted. Official notice was taken of the administrative record.

ISSUE:

Did the claimant quit the employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on August 14, 2006. Claimant last worked as a full-time dealer. Claimant was separated from employment on March 15, 2021, when the claimant voluntarily quit his employer due to health concerns surrounding Covid-19. The claimant's determination to discontinue his employment was a personal choice and not medically mandated.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer. Benefits are denied.

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. 871-24.25 provides, in relevant part:

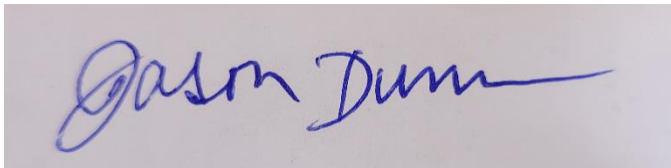
Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified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

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

The claimant made a personal choice to discontinue his employment due to his concerns over the coronavirus and Covid-19. The claimant had no medical restrictions regarding his ability to work. The claimant's choice was valid and understandable but not attributable to his employer. Benefits are withheld until such time as claimant works in and has been paid wages equal to ten times his weekly benefit amount, provided he is otherwise eligible.

DECISION:

The September 9, 2021, reference 04, decision is affirmed. Claimant's separation was without good cause attributable to the employer. Benefits are withheld until such time as claimant works in and has been paid wages equal to ten times his weekly benefit amount, provided he is otherwise eligible.



Jason Dunn
Administrative Law Judge
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December 14, 2021
Decision Dated and Mailed

jd/mh