

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**TAMARA S FIELDS DOTY**  
Claimant

**APPEAL 20A-UI-12734-S2-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**RUSSELL CELLULAR INC**  
Employer

**OC: 03/22/20  
Claimant: Appellant (1)**

---

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

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the October 7, 2020 (reference 02) unemployment insurance decision that denied benefits based upon her voluntarily quitting work without good cause attributable to the employer. The parties were properly notified of the hearing. A telephone hearing was held on December 3, 2020. The claimant, Tamara Fields-Doty, participated and was represented by attorney Steven Ort. The employer, Russell Cellular, Inc., participated through employee services specialist Rebecca Sanford. The administrative law judge took official notice of the claimant's administrative 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 employed full time as a sales representative. She began working for this employer on September 17, 2018, and her employment ended in mid-April 2020 when she voluntarily quit. Her immediate supervisor was Steven Francis.

In March 2020, the United States declared a public health emergency due to the COVID-19 pandemic. Employer closed the store for one week. Upon reopening, the employer did not immediately provide protective equipment due to a nationwide shortage of disposal masks, hand sanitizer, gloves, and disinfectant spray. On March 11 and April 3, 2020, employer sent emails to staff informing them that as these items became available they could purchase them through Staples.

Claimant came into contact with customers and coworkers while at work. Part of her job required that she touch customers' cellular phones. In April 2020, claimant expressed her concerns to Francis about the possibility of exposure to the COVID-19 virus while at work due to a lack of protective measures. Francis told her he would consult with district manager Alyssa Greenwell to see what he could do. The next day, Francis called claimant and informed her

Greenwell said she could return to work, resign, or be fired. Claimant felt that she had no choice but to voluntarily quit so she would not be fired.

**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.

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. 871-24.26(2) provides:

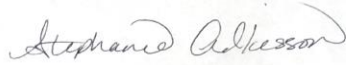
Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

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

In this case, claimant left the job due to alleged unsafe working conditions. However, most employers did not have adequate safeguards in place at the moment the pandemic began. As more guidance was issued by the Centers for Disease Control and Prevention (CDC), most employers responded by adopting safety measures. Clearly this employer was on that path, as it shut the job site down for a week. Employer also allowed employees to order cleaning products and protective gear as it became available. There is nothing in the record to indicate claimant could not provide her own protective masks, sanitizers, or cleaning products. Claimant failed to establish she resigned for a good cause reason attributable to employer.

**DECISION:**

The October 7, 2020, (reference 02) unemployment insurance decision is affirmed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.



---

Stephanie Adkisson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

December 15, 2020  
Decision Dated and Mailed

sa/mh

*Note to Claimant:* This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.