

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**BREANNA R KONZ**  
Claimant

**WELLS ENTERPRISES, INC.**  
Employer

**APPEAL 21A-UI-16263-DH-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/21/21**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) - Voluntary Quit  
Iowa Code § 96.5(2)a - Discharge for misconduct  
Iowa Admin. Code r. 871-24.25(37) - Resignation Accepted

**STATEMENT OF THE CASE:**

On July 23, 2021, the claimant filed an appeal from the July 19, 2021 (reference 04) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit working on February 20, 2021, for personal reasons. The parties were properly notified of the hearing. A telephonic hearing was held on September 14, 2021. The claimant, Breanna Konz, participated. The employer, Wells Enterprises, Inc. participated through Stacey Roupe.

**ISSUE:**

Was the separation a layoff, discharge for misconduct or a voluntary quit without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having heard the testimony and reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a seasonal production worker, from September 14, 2020, until her last day worked, April 20, 2021, when she resigned due to COVID-19 and that issue only. Claimant's resignation was orally given and orally accepted by the employer.

**REASONING AND CONCLUSIONS OF LAW:**

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

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.

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.

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).

Claimant decided to end her employment and resign to lower her risk of getting COVID-19, and the complications that might present to her and her family. This was certainly a compelling personal reason for claimant to quit. However, while claimant's leaving the employment may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits must be denied.

**DECISION:**

The July 19, 2021 (reference 04) unemployment insurance decision denying benefits is AFFIRMED. Claimant separated from 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 his weekly benefit amount, provided he is otherwise eligible.



Darrin T. Hamilton  
Administrative Law Judge

September 21, 2021  
Decision Dated and Mailed

dh/mh