

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**JESSICA E FIGUEROA**  
Claimant

**APPEAL 21A-UI-16993-DH-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**Y M C A OF OMAHA/COUNCIL BLUFFS**  
Employer

**OC: 04/04/21  
Claimant: Appellant (5)**

---

Iowa Code § 96.5(1) - Voluntary Quit  
Iowa Code § 96.5(2)a - Discharge for misconduct  
Iowa Admin. Code r. 871-24.25(27) - Resignation Accepted

**STATEMENT OF THE CASE:**

Claimant, filed an appeal on August 2, 2021, from the July 26, 2021 (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit working on August 14, 2020 without good cause attributable to the employer. The parties were properly notified of the hearing. A telephonic hearing was held on September 24, 2021. The claimant, Jessica Figueroa, participated and testified. The employer, YMCA of Omaha/Council Bluffs participated through Janica Blasko, human resources director, who testified. Judicial notice was taken of the administrative file and the contents therein. No exhibits had been received. Employer stated they e-mailed exhibits yesterday, but the exhibits have not been received. Employer was advised to testify regarding the exhibits and read the exhibits if they choose. Claimant had received the e-mail today.

**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 part time with a varied schedule, starting May 20, 2019, as a membership engagement specialist. Her last day worked was September 18, 2020. Claimant was part of employees who were furloughed due to COVID-19 and when called back to work, she worked six or seven shifts, which one of them was a staff meeting. Claimant had conversations with Rochelle regarding her concern over COVID-19 and the anxiety she gets from wearing a mask. The employer provided accommodations such as an office she could go and take a break from wearing a mask. On January 12, 2021, claimant told her supervisor, Rochelle Borgalia that she was resigning due to her concern about COVID-19 and the anxiety she gets when wearing a mask. The employer acted on the resignation, separating her from employment. Employer still had work available for claimant, if she had not resigned.

## 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 resigned due to her concern regarding COVID-19 and her anxiety when wearing a mask. While this may be good reasons to quit, it is not a good reason attributable to the employer. As such, benefits must be denied.

**DECISION:**

The July 26, 2021 (reference 01) unemployment insurance decision denying benefits is MODIFIED with no change in effect. Claimant's voluntary quit is found to have occurred on January 12, 2021 and not August 14, 2020 as found in the underlying decision. The separation from employment is 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.



---

Darrin T. Hamilton  
Administrative Law Judge

September 29, 2021  
Decision Dated and Mailed

dh/mh