

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ELIZABETH THOR**  
Claimant

**NORDSTROM INC**  
Employer

**APPEAL 21A-UI-01122-LJ-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/26/20**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Admin. Code r. 871-24.25(24) – Quit Employment to Retire

**STATEMENT OF THE CASE:**

On December 7, 2020, the claimant filed an appeal from the December 2, 2020 (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit working on June 29, 2020, for personal reasons. The parties were properly notified of the hearing. A telephonic hearing was held on February 15, 2021. The claimant, Elizabeth Thor, participated. The employer, Nordstrom, Inc., did not register a participant for the hearing or provide a telephone number and did not participate.

**ISSUE:**

Did the claimant voluntarily quit 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 was employed full time, most recently as a processor, from May 31, 1995, until June 29, 2020, when she retired.

On March 17, 2020, Nordstrom announced that Governor Reynolds had shut down the state due to the novel coronavirus. Employees were given the option of reporting to management that they did not feel comfortable working due to the virus, and management would accommodate them. On March 25, Claimant told her managers Deb and Angie that she did not feel comfortable working because she was 63 years old and because the virus was so new and no one had any real answers about it. Claimant was given two weeks of leave without pay at that time.

On April 8, Angie contacted Claimant and told her that she qualified for two weeks of “COVID pay.” After that, Angie informed her, Claimant could take the voluntary furlough and qualify for unemployment insurance benefits. Therefore, on or about April 24, after receiving two weeks of “COVID pay,” Claimant applied for unemployment insurance benefits. Sometime in April, Claimant turned 64 years old.

Toward the end of June, Claimant learned that the employer intended to call her back to work the Monday following the Fourth of July. Due to her age and the presence and risk of COVID, Claimant did not feel comfortable returning to the workforce. Therefore, on June 29, Claimant informed Melissa in HR that she was retiring. Continued work was available, had Claimant not retired.

### **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 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: ...

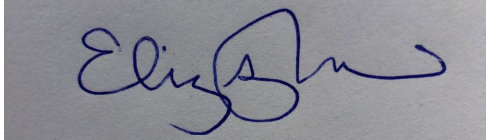
(24) The claimant left employment to accept retirement when such claimant could have continued working.

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, Claimant decide to end her employment and retire due to her age and the risk of COVID. This was certainly a compelling personal reason for Claimant to retire. 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 December 2, 2020 (reference 01) unemployment insurance decision 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 her weekly benefit amount, provided she is otherwise eligible.



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February 25, 2021  
Decision Dated and Mailed

lj/kmj