

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**BLANCA A AHART**  
Claimant

**APPEAL NO. 08A-UI-03279-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CON AGRA – COUNCIL BLUFFS**  
Employer

**OC: 02/17/08 R: 01  
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Blanca Ahart filed an appeal from a representative's decision dated March 25, 2008, reference 01, which denied benefits based on her separation from Con Agra. After due notice was issued, a hearing was held by telephone on April 17, 2008. Ms. Ahart participated personally. The employer participated by Jennifer Taylor, Human Resources Specialist. Ike Rocha participated as the interpreter.

**ISSUE:**

At issue in this matter is whether Ms. Ahart was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Ahart worked for Con Agra from October 16, 1998 until February 9, 2007. She worked full time in production. She gave two week's notice that she was quitting effective February 9, 2007 because her work permit expired on that date. She was not authorized to work in the United States after that date.

Ms. Ahart submitted an application to renew her work permit approximately three months before her old permit expired. She had not heard anything about her new permit before the old one expired. She made application with her husband and later learned they had both been denied new work permits. Ms. Ahart did not receive a new work permit until January of 2008.

**REASONING AND CONCLUSIONS OF LAW:**

Ms. Ahart submitted a resignation indicating she was quitting because her work permit was going to expire. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). The term "good cause attributable to the employer" generally refers to some matter over which the employer has control. In the case at hand, Ms. Ahart quit because she would not longer have a valid work permit. Since this was not a matter within the control of the

employer, it did not constitute good cause attributable to the employer for quitting. Accordingly, Ms. Ahart is not entitled to job insurance benefits.

**DECISION:**

The representative's decision dated March 25, 2008, reference 01, is hereby affirmed. Ms. Ahart quit her employment for no 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 job insurance benefit amount, provided she satisfies all other conditions of eligibility.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/pjs