

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KORLU TENNIH
Claimant

APPEAL NO. 12A-UI-00022-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MOSAIC
Employer

**OC: 11/13/11
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant Korlu Tennih filed an appeal from the December 15, 2011 (reference 01) decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call on January 31, 2012. Tennih participated. Employer Mosaic opted not to participate other than to have Johnson & Associates representative Tom Kuiper observe.

ISSUE:

Did the claimant leave the employment with good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Tennih was employed full-time as a direct support technician and was separated from employment on September 17, 2011. Tennih is in the United States after having been granted political asylum. Her lawyers called her on August 24 instructing her to report for an immigration status hearing in Baltimore, Maryland on August 25, 2011. She was unable to return to Iowa until the end of October 2011. The employer was unable to keep her job open for that amount of time.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Tennih's separation from the employment was without good cause attributable to Mosaic.

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.

871 IAC 24.25(20) 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 § 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 § 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:

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2).

While Tennih's leaving the employment may have been based upon good personal reasons it was not a good-cause reason attributable to the employer for leaving the employment. Benefits must be denied.

DECISION:

The December 15, 2011 (reference 01) decision is affirmed. Tennih voluntarily left her employment without good cause attributable to Mosaic. 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.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/pjs