

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROSALINDA L CASTILLO**

Claimant

**APPEAL NO. 11A-UI-08220-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CARGILL MEAT SOLUTIONS CORP**

Employer

**OC: 05/15/11**

**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's June 17, 2011 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated in the hearing. Ben Wise appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant is not qualified to receive benefits.

**ISSUE:**

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

**FINDINGS OF FACT:**

The claimant started working for the employer on January 3, 2011. The employer hired her to work as a full-time employee. When the claimant was unable to do the work she had been initially assigned, the employer transferred her to another department. The claimant's probationary status was extended after she was transferred.

The claimant left work early on March 3 for medical issues connected with her pregnancy. The claimant did not talk to a supervisor before she left work, but told a trainer she was leaving work early. The claimant went to her doctor and was restricted to bed rest for a week. The claimant did not call the employer to report she was restricted from working for a week. The claimant was released to work with some restrictions on March 9, 2011. By the time the claimant had been released to work, she no longer had a job.

The claimant assumed she would be discharged when she left work early on March 3 and was then restricted from working by her doctor. As a result of assuming she did not have a job after she left work early on March 3, she did not contact the employer about her medical restrictions or report to work for at least a week.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a claimant quits, she has the burden to establish she quit her employment for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

The law presumes a claimant voluntarily quits without good cause when she is absent for three days without notifying the employer she is unable to work. 871 IAC 24.25(4). When the claimant left work on March 3, she assumed she would not have a job, because she had a number of absences and her probation had already been extended. For unemployment insurance purposes, the claimant quit her employment when she failed to notify the employer for a week that she was restricted from working. The claimant did not establish that she quit for reasons that qualify her to receive benefits. As of March 3, 2011, the claimant is not qualified to receive benefits.

**DECISION:**

The representative's June 17, 2011 determination (reference 01) is affirmed. The claimant voluntarily quit her employment for personal reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of March 3, 2011. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw