

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**LUIS G ORTIZ**  
Claimant

**SMITHFIELD FOOD**  
Employer

**APPEAL 21A-UI-19268-JD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 07/04/21**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

On August 30, 2021, Luis Ortiz, claimant, filed an appeal from the August 25, 2021, (reference 01), unemployment insurance decision that denied benefits based upon the determination by an Iowa Workforce Development representative voluntarily quit employment with (employer) Smithfield Foods. The parties were properly notified about the hearing held by telephone on October 19, 2021. The claimant Luis Ortiz participated and testified through interpreter Manuel from CTS Language Link. The employer Smithfield Food participated through Shannon Anthofer, Human Resources Manager. Employer's Exhibit 1 was offered and admitted. Official notice was taken of the administrative record.

**ISSUE:**

Did the claimant voluntarily quit 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: The claimant, Luis Ortiz, was employed full-time as a packer in the pack off department at Smithfield Food, beginning on March 21, 2018, and was separated from employment on June 17, 2021, when he voluntarily quit his employment due to family and personal reasons and relocated to Puerto Rico on June 20, 2021. Claimant provided a written resignation for his employer stating the reasons for his quitting. (Employer's Ex. 1).

**REASONING AND CONCLUSIONS OF LAW:**

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

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:

Iowa Admin. Code r. 871-24.25(2);(23)

(2) The claimant moved to a different locality.

(23) The claimant left voluntarily due to family responsibilities or serious family needs.

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). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

The claimant determined that he needed to relocate to Puerto Rico for personal and family reasons. While his reasons were valid and important to him they were not for a good cause attributable to his employer. Benefits must be denied.

**DECISION:**

The August 25, 2021, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the employment 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.



Jason Dunn  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515) 478-3528

October 28, 2021 \_\_\_\_\_  
Decision Dated and Mailed

jd/scn