

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

CHUOL GAI
4461 CURTIS AVE
OMAHA NE 68111

TYSON FRESH MEATS INC
c/o TALX UC EXPRESS
PO BOX 283
ST LOUIS MO 63166-0283

Appeal Number: 04A-UI-04623-AT
OC: 03/28/04 R: 01
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Chuol Gai filed a timely appeal from an unemployment insurance decision dated April 12, 2004, reference 01, which disqualified him for benefits upon a finding that he had voluntarily left employment with Tyson Fresh Meats, Inc. for personal reasons. After due notice was issued, a telephone hearing was held on May 18, 2004 with Mr. Gai participating. Human Resources Manager Susan Pfeiffer participated for the employer, Tyson Fresh Meats, Inc. James Reath was the interpreter.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Chuol Gai was employed by Tyson Fresh Meats, Inc. in Council Bluffs, Iowa, from June 25, 2001 until he resigned December 28, 2003. Mr. Gai gave the employer notice of his resignation saying that his oldest son was starting college and that he needed to stay home to take care of younger children. Further work was available had he not resigned. This was the only reason for his resignation.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Mr. Gai is entitled to receive unemployment insurance benefits. He is not.

Iowa Code Section 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.

Following a resignation, an individual may receive unemployment insurance benefits only if the resignation was for a good cause attributable to the employer. The evidence here is that Mr. Gai had good personal cause, his children. His lack of childcare, however, was not the fault of the employer. Therefore, under the Iowa law, benefits must be withheld.

DECISION:

The unemployment insurance decision dated April 12, 2004, reference 01, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

kjf/kjf