

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARIA M ALANIZ
Claimant

APPEAL NO: 18A-UI-11968-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

SWIFT PORK COMPANY
Employer

OC: 12/17/17
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the December 4, 2018, reference 06, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on January 2, 2019. The claimant participated in the hearing with CTS Language Link Interpreter Jesus (8894). Sergio Lopez, Human Resources Manager, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left her 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 was employed as a full-time, second shift, general laborer for Swift Pork Company from September 4, 2018 to November 6, 2018. She voluntarily left her employment with Swift due to her loss of childcare November 3, 2018. The claimant has children ages 7, 12, 15, and 25. The 25 year old had been watching the children but her house was broken into and she was beaten and no longer felt it was safe for the children there. The employer offered the claimant time off to find another sitter but the claimant declined the offer. The claimant's husband also works second shift for the employer but neither the claimant nor her husband changed shifts to provide their own childcare. The claimant is grieving her termination through the union and there is a possibility she will be reinstated. She has since found a childcare provider.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

While the claimant had good personal reasons for leaving her employment as she did not have childcare available at that time, that is not considered a good cause reason attributable to the employer for her leaving (Emphasis added). She left due to a family childcare issue and the employer tried to help her by offering her time off while she looked for another sitter but the claimant declined the offer. Consequently, the claimant has not demonstrated that her leaving was due to unlawful, intolerable, or detrimental working conditions which must be present for an employee to be awarded unemployment insurance benefits when she voluntarily leaves her employment. Therefore, benefits must be denied.

DECISION:

The December 4, 2018, reference 06, decision is affirmed. The claimant voluntarily left her employment without 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 benefit amount, provided she is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn