

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRANDYN F LIVINGSTON

Claimant

APPEAL NO. 09A-UI-18998-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARGILL MEAT SOLUTIONS CORP

Employer

**Original Claim: 11/15/09
Claimant: Respondent (2-R)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Cargill Meat Solutions Corporation (Cargill) filed an appeal from a representative's decision dated December 11, 2009, reference 01, which held that no disqualification would be imposed regarding Brandyn Livingston's separation from employment. After due notice was issued, a hearing was held by telephone on February 1, 2010. The employer participated by Jessica Sheppard, Human Resources Associate. Ms. Livingston responded to the notice of hearing but was not at the number provided at the scheduled time of the hearing.

ISSUE:

At issue in this matter is whether Ms. Livingston was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Livingston was employed by Cargill from August 20, 2008 until November 13, 2009. She worked part time in production. The job was a temporary one, but did not have a specific ending date. Ms. Livingston voluntarily quit on November 13, 2009. She completed the exit interview form and listed medical problems as the reason for her quit. Continued work would have been available if she had not quit.

REASONING AND CONCLUSIONS OF LAW:

An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Livingston cited medical problems as the reason for her quit. There was no evidence that she was advised by a doctor to leave the employment. She did not participate in the hearing to explain why her medical problems caused her to quit. The evidence as a whole failed to establish any good cause attributable to the employer for the separation. As such, benefits are denied.

No overpayment results from this reversal of the prior allowance, as Ms. Livingston has not been paid benefits on the claim filed effective November 15, 2009.

DECISION:

The representative's decision dated December 11, 2009, reference 01, is hereby reversed. Ms. Livingston voluntarily quit her employment with Cargill for no good cause attributable to the employer. Benefits are denied until she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw