

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SELAM H HAILEMICHAEL
Claimant

SWIFT PORK COMPANY
Employer

APPEAL 20A-UI-04638-J1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/12/20
Claimant: APPELLANT (1)

Iowa Code § 96.5(1) – Voluntary Quit

If you need assistance in understanding this decision call Iowa Workforce Customer Service and request an interpreter/translator at 1-866 239-0843. If you need help in applying for Pandemic Unemployment Assistance (PUA) call Customer Service.

STATEMENT OF THE CASE:

On May 26, 2020, the claimant filed an appeal from the May 19, 2020, (reference 01) unemployment insurance decision that denied benefits based on voluntary quit without good cause. The parties were properly notified about the hearing. A telephone hearing was held on June 11, 2020. Claimant participated. Employer did not participate. This hearing was interpreted in the Tigrinya language.

ISSUE:

Did claimant quit her employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer in January, 2019. Claimant last worked as a full-time meat packer on April 1, 2020. Claimant was separated from employment on April 1, 2020, when she had to leave her employment to take care of her two children when the schools and day care were no longer operating due to Covid-19.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the decision denying regular unemployment benefits is affirmed.

Iowa Code section 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.

Iowa Admin. Code r. 871-24.25(17) 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:

(17) The claimant left because of lack of child care.

The claimant stopped working for the employer due to the lack of child care.

The claimant had good personal reasons for resigning her position until she can obtain child care and the schools reopen. The quitting was caused by the Covid-19 pandemic. This cause for quitting was not caused by her employer.

Note to Claimant: If this decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.

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DECISION:

The May 19, 2020, reference 01, decision is affirmed. Claimant is not eligible for regular unemployment benefits at this time.



James F. Elliott
Administrative Law Judge

June 25, 2020
Decision Dated and Mailed

je/scn

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