

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

THIRIK L MIJAK
Claimant

APPEAL NO. 11A-UI-03356-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

FARMLAND FOODS INC
Employer

OC: 01/30/11
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's March 8, 2011 determination (reference 01) that disqualified him from receiving benefits and held the employer's account exempt from charge because he voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant participated in the hearing. Becky Jacobson, the human resource manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits?

FINDINGS OF FACT:

The claimant started working for the employer in May 2008. He worked full-time.

The claimant's father passed away in Sudan. The claimant wanted to go to his father's funeral and purchased an airline ticket before he talked to the employer about taking time off. The claimant's airline ticket cost \$2000 and required him to be gone about a month.

The claimant talked to Jacobson on November 16, 2010, and asked for five to six weeks off from work to attend his father's funeral. The employer allows employees two weeks off to attend a funeral overseas. The employer told the claimant he could have two weeks off from work, but not four or six weeks. The claimant did not explain that after he landed in Kenya it took about a week by ground transportation to get to the area in Sudan where his family lived. Since the claimant had already purchased an expensive airline ticket, he resigned so he could be gone for at least four weeks. The claimant planned to reapply when he returned from Sudan.

The claimant's last day of employment was November 27, 2010. When the claimant returned from Sudan in January, he completed an application for the employer to rehire him. The claimant is eligible to be rehired.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When the employer would not grant the claimant more than two weeks off from work, he voluntarily resigned his employment. When a claimant quits, he has the burden to establish he leaves for reasons that qualify him to receive benefits. Iowa Code § 96.6(2).

It is understandable why the claimant purchased a plane ticket before he talked to the employer about a leave of absence. The employer's policy is not unreasonable. If the claimant had talked to the employer before he purchased a plane ticket and explained how long it took to get from Kenya to Sudan, the evidence does not indicate whether the employer had some flexibility in granting the claimant more time off or not. Since the claimant had already purchased an expensive ticket, he was not going to change his plans. He quit so he was eligible to be rehired.

The claimant quit for compelling personal reasons. Since he planned to be gone and was gone more than ten working days, he quit for reasons that do not qualify him to receive benefits. 871 IAC 24.25(20). As of January 30, 2011, the claimant is not qualified to receive benefits.

DECISION:

The representative's March 8, 2011 determination (reference 01) is affirmed. The claimant quit his employment for compelling personal reasons, but these reasons do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of January 30, 2011. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw