

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GLORIA M CASTANEDA
Claimant

APPEAL NO. 08A-UI-04225-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TYSON FRESH MEATS INC
Employer

OC: 04/06/08 R: 01
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Gloria Castaneda filed an appeal from a representative's decision dated April 24, 2008, reference 01, which denied benefits based on her separation from Tyson Fresh Meats, Inc. (Tyson). After due notice was issued, a hearing was held by telephone on May 14, 2008. Ms. Castaneda participated personally. The employer participated by Ed Thiele, Human Resources Manager. Ike Rocha participated as the interpreter.

ISSUE:

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

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Castaneda was employed by Tyson from June 10, 2002 until March 4, 2008 as a full-time production worker. She voluntarily quit the employment because her children were ill and to care for her ill granddaughter. She would have remained in the employment if her children and granddaughter had not been ill.

The employer has information posted in the hallways concerning the availability of leaves of absence. The notices are printed in both English and Spanish. Ms. Castaneda did not seek a leave of absence and none was offered. Continued work would have been available if she had not quit.

REASONING AND CONCLUSIONS OF LAW:

An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). The term "good cause attributable to the employer" generally refers to some matter within the control of the employer. Ms. Castaneda quit her job with Tyson to care for her ill children and granddaughter. Her separation was not caused by the employer or the

employment. She could have requested a leave of absence to preserve her employment but did not do so.

An individual who leaves employment due to serious family needs or responsibilities is presumed to have quit for no good cause attributable to the employer. 871 IAC 24.25(23). Because Ms. Castaneda's quit was not caused by the employer, she is not entitled to job insurance benefits.

DECISION:

The representative's decision dated April 24, 2008, reference 01, is hereby affirmed. Ms. Castaneda voluntarily quit her employment with Tyson for no 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 job insurance benefit amount, provided she satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs