

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ERIC DEERING
Claimant

APPEAL NO. 11A-UI-12737-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AGRI STAR MEAT & POULTRY LLC
KEVIN MCCAIN
Employer

OC: 07/03/11
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
Section 96.6-2 – Timely Appeal

STATEMENT OF THE CASE:

Eric Deering filed an appeal from an unemployment insurance decision dated September 12, 2011, reference 02, that disqualified him for benefits. After due notice was issued, a telephone hearing was held October 19, 2011 with Mr. Deering participating. Payroll and Human Resources Assistant Laura Loney participated for the employer, Agri Star Meat & Poultry LLC. Exhibit D-1 was admitted into evidence.

ISSUES:

Did the claimant file a timely appeal?
Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Eric Deering was employed by Agri Star Meat & Poultry LLC from September 13, 2010 through November 17, 2010. He worked at the company while on work release. Shortly after November 17, 2010, he was paroled and returned to Waterloo. He stopped reporting to work because of the move.

Mr. Deering actually received the fact-finding decision on September 23, 2011, the day that he filed his appeal.

REASONING AND CONCLUSIONS OF LAW:

The first question is whether the administrative law judge has jurisdiction to rule on the merits of the case. He concludes that he does. The evidence persuades the administrative law judge that Mr. Deering did not receive the fact-finding decision until September 23, 2011, the day that he filed his appeal. Under these circumstances, the appeal is accepted as timely.

The remaining question is whether he left work with good cause attributable to the employer. He did not.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits:

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.

The claimant has the burden of proof. See Iowa Code § 96.6-2. The evidence persuades the administrative law judge that Mr. Deering left employment to move from the Postville area to Waterloo. While he had good personal cause for the move, the cause was not attributable to the employer. Benefits are withheld.

DECISION:

The unemployment insurance decision dated September 12, 2011, reference 02, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs