

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOSE M REYNOZA-BUENRROSTRO
Claimant

APPEAL NO. 09A-UI-05306-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TYSON FRESH MEATS INC
Employer

OC: 02/22/09
Claimant: Appellant (2)

Section 96.5-1-c – Separation due to Ill Family Member

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated March 30, 2009, reference 02, that concluded he voluntarily left employment without good cause attributable to the employer. A telephone hearing was held on May 1, 2009. The parties were properly notified about the hearing. The claimant participated in the hearing with the assistance of interpreter, Ike Rocha. No one participated in the hearing on behalf of the employer.

ISSUE:

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

FINDINGS OF FACT:

The claimant worked full time for the employer as a utility worker from February 14, 2007, to November 24, 2008.

The claimant left work with notice to the employer because his father had been injured and required surgery. The employer would not grant him leave to go to Mexico to care for his father. The claimant remained in Mexico caring for his father until he recovered. The claimant then returned Iowa and offered to return to work, but the employer did not have any work available for him.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

Iowa Code section 96.5-1-c 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. But the individual shall not be disqualified if the department finds that:

c. The individual left employment for the necessary and sole purpose of taking care of a member of the individual's immediate family who was then injured or ill, and if after said member of the family sufficiently recovered, the individual immediately returned to and offered the individual's services to the individual's employer, provided, however, that during such period the individual did not accept any other employment.

The claimant has satisfied the requirements of Iowa Code section 96.5-1-c and is, therefore, eligible to receive benefits.

DECISION:

The unemployment insurance decision dated March 30, 2009, reference 02, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs