

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HUMBERTO MEDINA GARCIA
Claimant

APPEAL NO. 07A-UI-01558-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARGILL MEAT SOLUTIONS CORP
Employer

OC: 01/07/07 R: 03
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Humberto Medina Garcia (claimant) appealed a representative's February 8, 2007 decision (reference 03) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Cargill Meat Solutions Corporation (employer) would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 7, 2007. The claimant failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which he could be contacted to participate in the hearing. As a result, no one represented the claimant. Ike Rocha, an interpreter, was available for the hearing. Katie Diercks, an assistant human resource manager, appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

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

FINDINGS OF FACT:

The claimant started working for the employer on August 1, 2005. The claimant worked full-time for the employer. Prior to December 21, 2006, the claimant's job was not in jeopardy.

On December 21, 2006, the claimant resigned by completing paperwork indicating he was quitting effective immediately because he was moving out of the area. If the claimant had not resigned, there was continuing work for the claimant to do.

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. The claimant voluntarily quit his employment on December 21, 2006. When a claimant quits, he has

the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6-2.

The law presumes a claimant has voluntarily quit employment without good cause when he leaves employment because he is moving to another locality. 871 IAC 24.25(2). The claimant may have had compelling personal reasons for resigning. The evidence does not establish that he voluntarily quit his employment for reasons that qualify him to receive unemployment insurance benefits. As of January 7, 2007, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's February 8, 2007 decision (reference 03) is affirmed. The claimant voluntarily quit his employment for personal reasons that do not qualify him to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of January 7, 2007. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employers' account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw