

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NIGIST M TEKLEHAIMANOT
Claimant

APPEAL NO. 12A-UI-11025-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TYSON FRESH MEATS INC
Employer

OC: 08/12/12
Claimant: Appellant (1)

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The claimant, Nigist Teklehaimanot, appealed an unemployment insurance decision dated September 7, 2012, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on October 10, 2012. The parties were properly notified about the hearing. Teklehaimanot participated in the hearing with the assistance of an interpreter, Berhe Abraha. Eloise Baumgartner participated in the hearing on behalf of the employer.

ISSUE:

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

FINDINGS OF FACT:

Nigist Teklehaimanot worked full time as a production worker from November 22, 2010, to October 17, 2011.

Teklehaimanot was given a leave of absence from October 18, 2011, to December 5, 2011, because her daughter in Ethiopia was seriously ill. She traveled to Ethiopia to be with her daughter. Her daughter died in late November 2011.

Teklehaimanot did not return to Iowa until February 2012. She had not received an extension of her leave of absence and was considered to have voluntarily quit employment when she did not return to work by December 5, 2011. At some point, Nigist Teklehaimanot contacted a manager about coming back to work but was informed she did not have a job.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies workers who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code § 96.5-1 and 96.5-2-a.

The unemployment insurance rules provide that if a worker fails to return at the end of the leave of absence and subsequently becomes unemployed the worker is considered as having voluntarily quit and therefore is ineligible for benefits. 871 IAC 24.22(2)(2).

In this case, Teklehaimanot did not return at the end of her leave of absence and therefore left employment without good cause attributable to the employer. There is a law that grants benefits if a worker left employment for the purpose of taking care of a member of the individual's immediate family who was then injured or ill, but that law requires that the worker immediately return after the family member recovers and offer services to the employer. Iowa Code § 96.5-1-c. This did not happen in this case.

DECISION:

The unemployment insurance decision dated September 7, 2012, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css