

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RAHO F YUSUF**  
Claimant

**APPEAL NO. 10A-UI-13461-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AGRI STAR MEAT & POULTRY LLC**  
Employer

**OC: 08/22/10**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
Section 96.6-2 – Timeliness of Appeal

**STATEMENT OF THE CASE:**

The claimant, Raho Yusuf, appealed an unemployment insurance decision dated September 17, 2010, reference 01, that concluded the claimant had voluntarily quit employment without good cause. A telephone hearing was held on December 17, 2010. Raho Yusuf participated in the hearing with the assistance of an interpreter, Hamdi Sahal. Laura Althouse participated in the hearing on behalf of the employer. Exhibit A-1 was admitted into evidence at the hearing.

**ISSUES:**

Did Raho Yusuf file a timely appeal?

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

**FINDINGS OF FACT:**

Raho Yusuf worked for the employer as a production worker from October 31, 2008 to May 27, 2010. She voluntarily quit employment to relocate to the state of Texas to be closer to her relatives for support and assistance.

An unemployment insurance decision was mailed to Raho Yusuf's last-known address of record on September 17, 2010. The decision disqualified her from receiving benefits and stated the decision was final unless a written appeal was postmarked or received by the Appeals Section by September 27, 2010.

Raho Yusuf received the decision within the ten-day period for appealing the decision. She filed a written appeal on September 29, 2010, which is after the time period for appealing had expired. Yusuf delayed in filing her appeal because she does not read English and had to get someone to translate the document for her, which took some time. The person did not tell her that there was a deadline for appealing.

**REASONING AND CONCLUSIONS OF LAW:**

The law states that an unemployment insurance decision is final unless a party appeals the decision within ten days after the decision was mailed to the party's last-known address. Iowa Code § 96.6-2. In this case, Raho Yusuf's appeal was filed after the deadline for appealing expired.

The next question is whether Yusuf had a reasonable opportunity to file an appeal in a timely fashion. Smith v. IESC, 212 N.W.2d 471, 472 (Iowa 1973). I conclude that she did not have a reasonable opportunity to appeal because she does not read English and was not given a proper translation of the decision. The appeal is deemed timely.

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

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.

871 IAC 24.25(2) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code § 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code § 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(2) The claimant moved to a different locality.

Yusuf's relocation to Texas is understandable but this reason for quitting employment does not meet the definition of good cause attributable to the employer found in the unemployment insurance law.

**DECISION:**

The unemployment insurance decision dated September 17, 2010, reference 01, is affirmed. Raho Yusuf 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.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/css