

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**JASMINE MONTEJO**

Claimant

**APPEAL NO. 14A-UI-04498-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CARGILL MEAT SOLUTIONS CORP**

Employer

**OC: 03/30/14**

**Claimant: Appellant (4)**

Iowa Code § 96.4-3 - Able and Available for Work  
871 IAC 24.1(113)a - Separation Due to Layoff

**STATEMENT OF THE CASE:**

Jasmine Montejo (claimant) appealed an unemployment insurance decision dated April 30, 2014, (reference 05), which held that she was not eligible for unemployment insurance benefits because she requested and was granted a leave of absence from Cargill Meat Solutions Corporation (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 20, 2014. The claimant participated in the hearing with Union Steward Brian Ulin and Attorney Phil Miller. The employer did not comply with the hearing notice instructions and did not call in to provide a telephone number at which a representative could be contacted, and therefore, did not participate.

**ISSUE:**

The issue is whether the claimant was on a voluntary leave of absence.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant began working for the employer as a full-time production worker on May 16, 2011. She was placed on an involuntary medical leave of absence from approximately March 31, 2014, through May 9, 2014. The claimant was able to work and did not want to be placed on a leave of absence. She was allowed to return to work full time on May 12, 2014.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits. All terminations of employment are generally classified as layoffs, quits, discharges or other separations. 871 IAC 24.1(113)(a). A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer or an employer has discharged the claimant for work-connected misconduct. Iowa Code §§ 96.5-1 and 96.5-2-a.

The evidence establishes the claimant was laid off on March 31, 2014. When an employer initiates a separation, the reasons for the separation must constitute work-connected misconduct before a claimant can be denied unemployment insurance benefits. A layoff does not constitute work-connected misconduct. The claimant's separation from employment was not due to any misconduct on her part nor did she quit her job. The claimant is qualified to receive unemployment insurance benefits from March 30, 2014, through May 10, 2014, provided she is otherwise eligible.

**DECISION:**

The unemployment insurance decision dated April 30, 2014, (reference 05), is modified in favor of the appellant. The claimant is qualified to receive unemployment insurance benefits from March 30, 2014, through May 10, 2014, provided she is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

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