

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TAMI R MENDOZA**

Claimant

**APPEAL NO. 10A-UI-01936-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TYSON FRESH MEATS INC**

Employer

**Original Claim: 12/13/09**

**Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

Section 96.6-2 – Timeliness of Appeal

**STATEMENT OF THE CASE:**

Tami Mendoza filed an appeal from a representative's decision dated January 8, 2010, reference 02, which denied benefits based on her separation from Tyson Fresh Meats, Inc. (Tyson). After due notice was issued, a hearing was held by telephone on March 16, 2010. Ms. Mendoza participated personally. The employer participated by John Carreras, Human Resources Manager; Terry Henson, Supervisor; and Irma Ardon de Rosa, Human Resources Clerk/Benefits Counselor.

**ISSUE:**

At issue in this matter is whether Ms. Mendoza filed a timely appeal. If the appeal is determined to be timely, the issue then becomes whether she was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: The representative's decision that is the subject of this appeal was mailed to Ms. Mendoza at her address of record on January 8, 2010. She initially faxed in an appeal on the due date, January 18, but it was not received by the Appeals Section. She learned from her local office that the appeal had not been received and, therefore, re-filed her appeal on February 8, 2010.

Ms. Mendoza began working for Tyson on April 28, 2008 as a full-time production worker. Her last day at work was December 7, 2009. She called on December 8 to report that she would be absent due to illness. She did not report for work or contact the employer again until December 18. Ms. Mendoza acknowledged that she did not call on December 9 or 10 because she did not have minutes on her phone and did not otherwise have access to a phone. On December 18, she returned her equipment and gave notice that she was quitting. She indicated during the exit interview that she was leaving for personal reasons.

Ms. Mendoza had not complained about any work-related matters prior to quitting. She had not indicated an intention to quit if certain problems were not addressed. Continued work would have been available if she had continued reporting after December 8.

**REASONING AND CONCLUSIONS OF LAW:**

The first issue in this matter concerns the timeliness of Ms. Mendoza's appeal. She initially filed a timely appeal but, through no fault of her own, it was not received. She acted with due diligence in filing an appeal as soon as she discovered that her earlier appeal had not been received. Therefore, the appeal filed on February 8, 2010 shall be deemed timely. As such, the administrative law judge has jurisdiction over the separation issue.

Ms. Mendoza quit her employment with Tyson. An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). The term "good cause attributable to the employer" generally refers to some matter over which the employer has control. Ms. Mendoza indicated during her exit interview that she was quitting for personal reasons. She never put the employer on notice that there were work-related problems that needed to be addressed in order for her to continue the employment. For the above reasons, it is concluded that her separation was not for any good cause attributable to Tyson. Accordingly, benefits are denied.

**DECISION:**

The representative's decision dated January 8, 2010, reference 02, is hereby affirmed. Ms. Mendoza voluntarily quit her employment with Tyson for no good cause attributable to the employer. Benefits are denied until she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she is otherwise eligible.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/kjw