

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TANYA P WRIGHT
Claimant

APPEAL NO. 07A-UI-09686-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

TYSON PREPARED FOODS INC
Employer

**OC: 09/16/07 R: 12
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Tanya Wright (claimant) appealed a representative's October 11, 2007 decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she voluntarily quit work with Tyson Prepared Foods (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for October 31, 2007. The claimant participated personally. The employer participated by Ron Wood, Human Resources Manager.

ISSUE:

The issue is whether the claimant voluntarily quit work without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was hired on February 7, 1996 as a full-time maintenance worker. The employer has a posted policy that if an employee is absent for three days without notice to the employer, the employer will consider the employee to have voluntarily quit.

The claimant had personal problems with her husband and her husband would not allow her to live at the couple's residence on or about August 22, 2007. The claimant worked on August 22, 2007, and was not scheduled to work on August 23 and 24, 2007. On August 24, 2007, she left for Alabama to stay with her father. She returned to Iowa on August 26, 2007. The claimant's sister, who also worked for the employer, told the claimant she did not have a job. On August 30, 2007, the claimant returned to Alabama and remains there still.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

871 IAC 24.25(4) 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 section 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 section 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:

(4) The claimant was absent for three days without giving notice to employer in violation of company rule.

The claimant was absent from work for more than three days without giving notice to the employer. The employer has a rule that if the employee is absent without notice to the employer for three days, the employee is deemed to have voluntarily quit. The claimant is deemed to have voluntarily quit based on her absence from work for three days without giving notice to the employer. There is no evidence of good cause attributable to the employer.

DECISION:

The representative's October 11, 2007 decision (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount provided she is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/kjw