

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

FRANCISCO J GARCIA
1209 – 4TH ST
PERRY IA 50220

THE IOWA PACKING COMPANY
C/o HIGH RIDGE PARTNERS
140 S DEARBORN STE 820
CHICAGO IL 60603

Appeal Number: 04A-UI-04525-AT
OC: 03/28/04 R: 02
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Francisco J. Garcia filed a timely appeal from an unemployment insurance decision dated April 19, 2004, reference 02, which disqualified him for benefits upon a finding that he had voluntarily left employment on October 17, 2003 without good cause attributable to the employer. Due notice was issued for a telephone hearing to be held May 18, 2004. Although Mr. Garcia provided a telephone number at which he could be contacted, that number was not answered when called at the time of the hearing. The employer, The Iowa Packing Company, did not respond to the hearing notice. This decision is based on information in the claimant's appeal letter and in the administrative file.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Francisco J. Garcia began his most recent period of employment with The Iowa Packing Company on October 14, 2003. He quit three days later saying that he was going to Minnesota to work construction jobs.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that Mr. Garcia left work with good cause attributable to the employer. It does not.

Iowa Code Section 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.

It appears from the evidence in the administrative file that Mr. Garcia left employment in order to seek other employment elsewhere. This does not constitute good cause attributable to the employer. If, however, Mr. Garcia had already secured employment in Minnesota before leaving his job with The Iowa Packing Company, he should contact the Agency as soon as possible and present documentary evidence establishing his subsequent employment.

DECISION:

The unemployment insurance decision dated April 19, 2004, reference 02, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

kjf/kjf