

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

OFELIA GARCIA DE SALDANA
Claimant

APPEAL NO. 07A-UI-09351-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

FARMLAND FOODS INC
Employer

OC: 09/02/07 R: 01
Claimant: Respondent (2)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Farmland Foods, Inc. (employer) appealed a representative's September 27, 2007 decision (reference 01) that concluded Ofelia Garcia de Saldana (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 5, 2007. The claimant was called, but she was not available for the hearing. The employer was also called for the hearing. The employer's representative/witness was also unavailable for the hearing. The translator, Oliver Koch, was excused when neither party was available for the hearing. Based on the administrative record and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer on April 16, 2006. On August 18, 2006, the claimant voluntarily resigned her employment. The claimant indicated she was quitting because she was going back to Mexico to have some surgery.

The claimant returned about a year later and asked if the employer had any job openings. The employer did not have any jobs available when the claimant contacted the employer in August 2007.

The claimant established a claim for unemployment insurance benefits during the week of September 2, 2007. The claimant has not filed any weekly claims.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. The record establishes the claimant terminated her employment on August 18, 2006, by voluntarily resigning. The record does not establish that the claimant requested any time off for surgery or when she had recovered from the surgery. The claimant may have had personal reasons for quitting, but the record does not establish that she quit her employment for reasons that qualify her to receive unemployment insurance benefits. As of August 18, 2006, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's September 27, 2007 decision (reference 01) is reversed. The claimant voluntarily quit her employment but did not establish that she quit for reasons that qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of August 18, 2006. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw