

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARIA A CONTRERAS
Claimant

APPEAL NO. 09A-UI-14769-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CON AGRA
Employer

**Original Claim: 08/30/09
Claimant: Respondent (2/R)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Con Agra (employer) appealed a representative's September 18, 2009 decision (reference 01) that concluded Maria A. Contreras (claimant) was qualified to receive benefits, and the employer's account was subject to charge because the claimant voluntarily quit her employment for reasons that qualify her to receive benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on October 30, 2009. The claimant participated in the hearing. Becky Coleman testified on her behalf. Jennifer Murphy, a human resource representative, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, 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 benefits?

FINDINGS OF FACT:

The claimant started working for the employer on August 7, 2007. The claimant worked as a full-time laborer. The week of April 20, 2009, the claimant was victimized on her way to work. Although the police were notified, no arrests have been made.

As a result of this incident, the claimant was very distraught. The claimant and her husband decided she needed to leave for awhile. On April 27, 2009, the claimant informed the employer she was quitting effective immediately because she was going out of state. When the claimant left in late April, she did not know how long she would be out of state. The claimant returned to the area in August.

The claimant established a claim for benefits during the week of August 30, 2009. She has filed for and received benefits since August 30, 2009.

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 claimant voluntarily quit her employment on April 27, 2009. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6-2.

The claimant established compelling personal reasons for quitting. The facts do not establish that the claimant's decision to quit had anything to do with the employer. Therefore, the claimant did not establish that she quit for reasons that qualify her to receive benefits. As of August 30, 2009, the claimant is not qualified to receive benefits.

The issue of overpayment or whether the claimant is eligible for a waiver of any overpayment is remanded to the Claims Section.

DECISION:

The representative's September 18, 2009 decision (reference 01) is reversed. The claimant voluntarily quit her employment for compelling personal reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of August 30, 2009. 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. The issue of overpayment or whether the claimant is eligible for a waiver of any overpayment is Remanded to the Claims Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw