

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MIGUEL A VENEGAS
Claimant

APPEAL NO. 07A-UI-03328-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

JOHN MORRELL & COMPANY
Employer

**OC: 02/18/07 R: 01
Claimant: Appellant (2)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Miguel Venegas filed an appeal from a representative's decision dated March 20, 2007, reference 02, which denied benefits based on his separation from John Morrell & Company (Morrell). After due notice was issued, a hearing was held by telephone on April 18, 2007. Mr. Venegas participated personally and was represented by Jay Smith, Attorney at Law. The employer opted not to participate.

ISSUE:

At issue in this matter is whether Mr. Venegas was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Venegas began working for Morrell in July of 2005 as a full-time production worker. His last day of work was February 9, 2007, after which he began a one-week leave of absence. During the leave, he contacted the employer to arrange an extension of his leave and was advised that he was on layoff. He was told that it would not be necessary to provide documentation to support an extension of his leave because he was on layoff.

Mr. Venegas returned his equipment to the employer on February 28. It was his understanding that he had to turn in his equipment during the layoff. He did not tell the employer he was quitting. After he received the disqualification decision that indicated he quit, Mr. Venegas contacted the employer and confirmed that he would be recalled at some future point.

REASONING AND CONCLUSIONS OF LAW:

The separation in this case was due to a layoff due to lack of work. Mr. Venegas has not at any point indicated an intent to sever his working relationship with Morrell. He turned in his equipment because he thought it was required during the layoff and not because he intended to quit. Inasmuch as his separation was not due to any fault on his part, Mr. Venegas is allowed benefits.

DECISION:

The representative's decision dated March 20, 2007, reference 02, is hereby reversed. Mr. Venegas was separated from Morrell for no disqualifying reason. Benefits are allowed, provided he satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs