

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SARAH J NIMIR**  
Claimant

**APPEAL NO. 07A-UI-09831-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TYSON FRESH MEATS INC**  
Employer

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

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Sarah Nimir filed an appeal from a representative's decision dated October 11, 2007, reference 01, which denied benefits based upon her separation from Tyson Fresh Meats, Inc. After due notice was issued, a hearing was held by telephone on November 7, 2007. Ms. Nimir participated personally. The employer participated by Susan Pfeifer, Human Resource Manager. Acting as interpreter was Hurun Marga.

**ISSUE:**

The issue in this matter is whether the claimant quit for good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: The claimant worked for this employer from June 28, 2004 until November 4, 2006 when she voluntarily left work because of lack of child care. Ms. Nimir worked as a production worker and was paid by the hour. Prior to leaving Ms. Nimir provided one month's notice of her intention to leave. The claimant left because she did not have child care and needed to stay home with her children. Work continued to be available to Ms. Nimir at the time that she chose to leave her employment with Tyson Fresh Meats.

**REASONING AND CONCLUSIONS OF LAW:**

871 IAC 24.25(17) 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:

(17) The claimant left because of lack of child care.

For the reasons stated herein, the administrative law judge finds that the claimant left employment for reasons that were not attributable to the employer. Unemployment insurance benefits are withheld.

**DECISION:**

The representative's decision dated October 11, 2007, reference 01, is hereby affirmed. The claimant voluntarily quit employment for reasons not attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided the claimant is otherwise eligible.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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