

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MERSUDIN HIDANOVIC
Claimant

APPEAL NO: 11A-UI-13013-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARGILL MEAT SOLUTIONS CORP
Employer

OC: 09-04-11
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the September 30, 2011, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was scheduled before Administrative Law Judge Julie Elder on October 27, 2011. No hearing was held in this matter.

ISSUE:

The issue is whether the claimant voluntarily left his employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time production worker for Cargill Meat Solutions from July 25, 2005 to September 8, 2011. On August 4, 2011, the claimant's mother, who was also a Cargill employee, suffered a work-related injury and while on her way to receive treatment she was killed in an automobile accident. The claimant's father and sister also worked there and none of the family was able to return to work at Cargill following his mother's injury and subsequent death.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment with good cause attributable to the employer.

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.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2. Given the claimant's mother's work injury and death on the way to receive treatment, forcing the claimant to return to the employer would result in intolerable and detrimental working conditions. But for the claimant's mother's accident with the employer and the car accident, the claimant would have continued his employment. Therefore, benefits are allowed.

DECISION:

The September 30, 2011, reference 01, decision is reversed. The claimant voluntarily left his employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

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