

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**EVA J MIRANDA**  
Claimant

**APPEAL NO. 09A-UI-16655-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TYSON FRESH MEATS INC**  
Employer

**Original Claim: 08/30/09  
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Eva Miranda filed an appeal from a representative's decision dated September 21, 2009, reference 01, which denied benefits based on her separation from Tyson Fresh Meats, Inc. (Tyson). After due notice was issued, a hearing was held by telephone on December 11, 2009. Ms. Miranda participated personally. The employer participated by Kris Travis, Employment Manager. Anna Pottebaum participated as the interpreter.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Miranda began working for Tyson on November 6, 2007. She worked full-time in production. Her last day of work was August 5, 2009. She called in sick on August 6 and 7. She was not scheduled to work August 8 and 9. Ms. Miranda did not report for work or contact the employer from August 10 through 14 or on August 17. She was considered to have abandoned her job after the sixth "no call/no show."

Ms. Miranda was in the process of moving beginning August 10. She did not call the employer because she did not have a home telephone and could not locate a pay phone. She could have driven to the workplace, which was five miles from her home, but did not do so. Although she had told her supervisor she was moving, she had not indicated when she planned on being absent from work as a result of the move. Continued work would have been available if she had not abandoned her job.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes that Ms. Miranda quit her job when she stopped reporting for available work with no notice to Tyson. An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good

cause attributable to the employer. Iowa Code section 96.5(1). Ms. Miranda stopped going to work for personal reasons, the fact that she was moving from one home to another. She did not make any arrangements with the employer to be gone for an extended period of time in order to move.

The evidence of record does not establish any factors from the employment that caused Ms. Miranda to leave her job. As such, her separation was not attributable to the employer. Accordingly, benefits are denied.

**DECISION:**

The representative's decision dated September 21, 2009, reference 01, is hereby affirmed. Ms. Miranda left her employment with Tyson for no good cause attributable to the employer. Benefits are denied until she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she is otherwise eligible.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/kjw