

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ABEBA T ASGUDOM

Claimant

APPEAL NO: 20A-UI-11204-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

SEABOARD TRIUMPH FOODS LLC

Employer

OC: 06/14/20

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving
Section 96.6-2 – Timeliness of Appeal

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 12, 2020, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on November 2, 2020. The claimant participated in the hearing with CTS Language Link Interpreters Sagni (12398) and Rahal (12491). The employer did not respond to the hearing notice and did not participate in the hearing.

ISSUES:

The issues are whether the claimant's appeal is timely and whether she voluntarily left her 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: A disqualification decision was mailed to the claimant's last known address of record on August 12, 2020. The claimant received the decision. The decision contained a warning that an appeal must be postmarked or received by the Appeals Section by August 22, 2020. That date fell on a Saturday so the appeal was actually due August 24, 2020. The appeal was not filed until September 9, 2020, which is after the date noticed on the disqualification decision. The claimant does not read or write English and had to find an individual to assist her in filing an appeal. She went to the place that could help her three times before being told to schedule an appointment which she then did and filed her appeal the day of the appointment, September 9, 2020. Under these circumstances, the administrative law judge finds the claimant's appeal is timely.

The claimant was employed as a full-time production worker for Seaboard Triumph Foods from November 5, 2018 to May 6, 2020. She voluntarily left her employment because her husband was ill and she did not have childcare as a result. The claimant asked the employer if she could have 30 days off work but her request was denied and consequently she voluntarily quit her job.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

While the claimant had good personal reasons for leaving her employment, her leaving was not attributable to her employer as that term is defined by Iowa law. The claimant voluntarily quit because her husband was very ill over a period of time and could not watch their children. Due to the claimant's husband's illness and the resulting loss of childcare, the claimant chose to voluntarily leave her job. Consequently, benefits must be denied.

DECISION:

The August 12, 2020, reference 01, decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.



Julie Elder
Administrative Law Judge

November 5, 2020
Decision Dated and Mailed

je/scn

Note to Claimant: This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.