

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GLEND A E HERRERA
Claimant

APPEAL NO. 12A-UI-11299-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SWIFT PORK COMPANY
Employer

OC: 08/26/12
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Glenda Herrera filed a timely appeal from the September 17, 2012, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on October 16, 2012. Ms. Herrera did not respond to the hearing notice instructions to provide a telephone number for the hearing and did not participate. Tonya Box represented the employer.

ISSUE:

Whether Ms. Herrera's voluntary quit was for good cause attributable to the employer. The administrative law judge concludes that Ms. Herrera voluntarily quit to relocate to Texas and that the quit was without good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Glenda Herrera was employed by Swift Pork Company, also known as JBS as a full-time production worker from 1994 until March 2, 2012, when she voluntarily quit to relocate to Texas. Ms. Herrera went to the employer's human resources office and spoke to Tonya Box, Human Resources Assistant, to notify the employer of her quit. Ms. Herrera told Ms. Box she was quitting to relocate to Texas. Ms. Herrera provided no other reason for the quit.

REASONING AND CONCLUSIONS OF LAW:

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 requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992).

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. See 871 IAC 24.25.

When a worker voluntarily quits to relocate to a new locality, the quit is presumed to be without good cause attributable to the employer. See Iowa Admin. Code section 871 IAC 24.25(2).

Ms. Herrera failed to respond to the hearing notice, failed to participate in the hearing, and thereby failed to present any evidence to support that notion that her quit was for good cause attributable to the employer. The evidence in the record indicates that Ms. Herrera voluntarily quit the employment to relocate to Texas. Ms. Herrera voluntarily quit the employment without good cause attributable to the employer. Accordingly, Ms. Herrera is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

DECISION:

The Agency representative's September 17, 2012, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

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