

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMANADA L. HOUSER
Claimant

APPEAL NO: 06AUI-08638-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TYSON FRESH MEATS INC
Employer

OC: 07/30/06 R: 01
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Amanada L. Houser (claimant) appealed a representative's August 21, 2006 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits, and the account of Tyson Fresh Meats, Inc. (employer) would not be charged because the claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 13, 2006. The claimant failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which she could be contacted to participate in the hearing. As a result, no one represented the claimant. Will Sager, the complex human resource manager, appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer on May 3, 2005. The claimant worked as a full-time production worker.

During her employment, the claimant reported problems with a co-worker. The employer investigated and moved the claimant to a new department. The employer understood the claimant was satisfied with the resolution to the problem she had reported.

The claimant gave the employer about a week's notice that she was quitting to relocate. The claimant indicated she was going to move to South Carolina to take care of a sick relative. The employer looked into the possibility of the claimant transferring to one of the employer's facilities

in South Carolina. The employer's South Carolina facility was too far from where the claimant would be staying. The claimant's last day of work was June 2, 2006.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code section 96.5-1. The claimant voluntarily quit her employment. When a claimant quits, she has the burden to establish she quit with good cause attributable the employer. Iowa Code section 96.6-2.

The law presumes a claimant voluntarily quits without good cause when she leaves employment to relocate to a different locality or for compelling personal reasons. 871 IAC 24.25(2) and (20). The facts establish the claimant quit for reasons that do not qualify her to receive unemployment insurance benefits. As of July 30, 2006, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's August 21, 2006 decision (reference 01) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of July 30, 2006. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/cs