

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JORGE ALVA DIAZ**

Claimant

**APPEAL NO: 13A-UI-13450-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CARGILL MEAT SOLUTIONS CORP**

Employer

**OC: 11/17/13**

**Claimant: Appellant (1)**

Iowa Code § 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Jorge Alva Diaz (claimant) appealed an unemployment insurance decision dated December 5, 2013, reference 01, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Cargill Meat Solutions Corporation (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 31, 2013. The claimant participated in the hearing. Ike Rocha interpreted on behalf of the claimant. The employer did not comply with the hearing notice instructions and did not call in to provide a telephone number at which a representative could be contacted, and therefore, did not participate.

**ISSUE:**

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time production worker from February 20, 2012 through June 14, 2013 when he went on Family Medical Leave with this employer due to his mother's illness. However, he quit his employment at that time and went to work as a contract employee on June 15, 2013. The employer apparently lists the claimant's separation date as September 24, 2013 due to his failure to return at the end of his leave of absence.

**REASONING AND CONCLUSIONS OF LAW:**

The issue to be determined is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

The claimant went on Family Medical Leave on June 14, 2013 due to his mother's illness but he actually quit that same day without notifying the employer of his intentions. He quit to look for other work and began working as an independent contractor on June 15, 2013. He did not know about the self-employment position prior to his separation. When an employee leaves to look for work but had not found a job at the time he left, it is a quit without good cause. See 871 IAC 24.25(3).

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. He has not satisfied that burden. Benefits are denied.

**DECISION:**

The unemployment insurance decision dated December 5, 2013, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/pjs