

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RICARDO R GONZALES II**  
Claimant

**APPEAL NO. 10A-UI-14017-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WEST LIBERTY FOODS**  
Employer

**OC: 09/05/10  
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Ricardo Gonzales filed an appeal from a representative's decision dated October 1, 2010, reference 01, which denied benefits based on his separation from West Liberty Foods. After due notice was issued, a hearing was held by telephone on November 2, 2010. Mr. Gonzales participated personally. The employer participated by Monica Dyar, Human Resources Supervisor.

**ISSUE:**

At issue in this matter is whether Mr. Gonzales 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: Mr. Gonzales was employed by West Liberty Foods from August 15, 2005 until August 13, 2010. He was last employed full time as a warehouse supervisor. He quit the employment to move to California.

Mr. Gonzales' wife went to California because of her father's health. He was hospitalized at the time. She made the decision that he would require assistance over a longer period of time. Her mother's health was also declining. It was decided that Mr. Gonzales would relocate to California to be with the family. He did not seek a leave of absence from the employer although the availability of leave time is addressed in the employee handbook he received. Given his seniority, Mr. Gonzales would have been eligible to take a personal, 30-day leave of absence. Continued work would have been available if he had not quit.

**REASONING AND CONCLUSIONS OF LAW:**

The evidence of record establishes that Mr. Gonzales voluntarily quit his employment. 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). Mr. Gonzales quit to relocate. An individual who quits to relocate or to

accompany a spouse to a new locality is presumed to have left employment without good cause attributable to the employer. 871 IAC 24.25(2), (10). Although Mr. Gonzales may have had good personal cause for leaving his job, his reasons were not attributable to West Liberty Foods. As such, he is not entitled to job insurance benefits.

It was Mr. Gonzales' contention that he was forced to quit because the employer gave him no other options. The employer had notified him of the availability of leave time by way of the employee handbook. It was his responsibility to be aware of the contents of the handbook, especially in his role as a supervisor. The employer was under no obligation to remind him of the availability of leave time. Moreover, he did not know how long he intended to be away from work.

**DECISION:**

The representative's decision dated October 1, 2010, reference 01, is hereby affirmed. Mr. Gonzales quit his employment without good cause attributable to the employer. Benefits are denied until he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he is otherwise eligible.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/pjs