

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KUTIEM W LIEM**

Claimant

**APPEAL NO. 12A-UI-06741-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CARGILL MEAT SOLUTIONS CORP**

Employer

**OC: 05/06/12**

**Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Kutiem Liem filed a timely appeal from the June 4, 2012, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on July 2, 2012. Ms. Liem participated. Ruth Ruggles represented the employer. Nuer-English interpreter Dukan Diew assisted with the hearing.

**ISSUE:**

Whether the claimant separated from the employment for a reason that disqualifies her for unemployment insurance benefits.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Kutiem Liem was employed by Cargill Meat Solutions Corporation as a full-time production worker at a production plant in Nebraska from September 2011. Ms. Liem last performed work for the employer on April 20 2012. Ms. Liem was then absent from work without notifying the employer on April 23, 24 and 25. The employer's attendance policy required that employees notify their supervisor at least 30 minutes before the start of their shift if they needed to be absent. The employer's policy also indicated that three no-call, no-show absences would be deemed a voluntary quit. Ms. Liem was aware of the policy, but did not call in on the days in question. On April 23, Ms. Liem had sent a doctor's note with the man with whom she usually carpooled. The note took her off work for three days. The employer received the note.

While Ms. Liem worked at the plant in Nebraska, her family remained in Des Moines. Ms. Liem's need for time off from work was based on problems she was experiencing with a pregnancy. A doctor had not recommended that Ms. Liem quit the employment. In conjunction with ceasing to report for work, Ms. Liem relocated back to Des Moines. Ms. Liem subsequently miscarried. Ms. Liem did not make further contact with the employer and did not attempt to return to the employment.

**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.

Where an employee is absent without notifying the employer for three days in violation of the employer's policy, the employee is presumed to have voluntarily quit without good cause attributable to the employer. See 871 IAC 24.25(4).

Where an employee voluntarily quits to relocate to a new locality, the employee is presumed to have voluntarily quit without good cause attributable to the employer. See 871 IAC 24.25(2).

Where an employee voluntarily quits due to a non-work-related medical condition, but the quit is not based on advice from a doctor, or the employee did not return to the employer to offer services after recovering from the illness, the employee is deemed to have voluntarily quit without good cause attributable to the employer. See 871 IAC 24.26(6)(a).

The evidence in the record indicates that Ms. Liem voluntarily quit the employment without good cause attributable to the employer. Ms. Liem was absent three days without notifying the employer. Ms. Liem returned to Des Moines and stayed there. Ms. Liem never returned to the employment and never provided any information to the employer to justify her continued absence from the employment.

Because Ms. Liem voluntarily quit the employment without good cause attributable to the employer, Ms. Liem 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 June 4, 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.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/kjw