

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BERNARD GOMS MOYO
Claimant

TYSON FRESH MEATS INC
Employer

APPEAL 22A-UI-02274-JD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 12/05/21
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

On January 4, 2022, the claimant filed an appeal from the December 29, 2021, (reference 01) unemployment insurance decision that denied benefits based on a determination that the claimant voluntarily quit his employment on November 21, 2021, without good cause attributable to his employer. The parties were properly notified about the hearing. A telephone hearing was held on February 17, 2022. Claimant, Bernard Goms Moyo, participated and testified. Employer, Tyson Fresh Meats, Inc., did not call the toll-free number listed on the notice of hearing and did not participate. The administrative law judge took official notice of the administrative record.

ISSUE:

Did the claimant quit the employment without good cause attributable to the ?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on February 2, 2016. Claimant last worked as a full-time maintenance worker. Claimant was separated from employment on November 23, 2021, when he voluntarily quit his employment by being absent from his position for over two-weeks to take care of some family needs. The claimant informed his employer that he would be absent from work from November 7-22, 2021, due to a temporary lack of child care. Claimant's spouse needed to attend some training for her employment and the claimant needed to stay home to take care of his children. The claimant indicated he did discuss his pending absence with his employer but that no real agreement was made regarding his time away. The claimant was aware that he may not have a job when he returned to work. The claimant returned to work on November 23, 2021, but his ID had been deactivated and he learned that he no longer had a job.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

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.

Iowa Admin. Code r. 871-24.25 provides, in pertinent part:

Voluntary quit without good cause. 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 from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

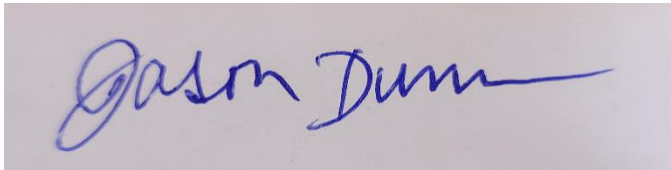
(17) The claimant left because of lack of child care.

(23) The claimant left voluntarily due to family responsibilities or serious family needs

The claimant's decision to put his family needs first is commendable but that decision does not impute a good cause reason for quitting to his employer that would allow him unemployment benefits under Iowa law. Benefits are denied.

DECISION:

The December 29, 2021, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible



Jason Dunn
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

March 9, 2022
Decision Dated and Mailed

jd/mh