

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ELVIRA S RAMOS**  
Claimant

**APPEAL NO. 09A-UI-16000-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TYSON FRESH MEATS INC**  
Employer

**OC: 09/13/09**  
**Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Elvira Ramos filed an appeal from a representative's decision dated October 5, 2009, reference 01, which denied benefits based on her separation from Tyson Fresh Meats, Inc. After due notice was issued, a hearing was held by telephone on December 2, 2009. Ms. Ramos participated personally. The employer participated by Elena Reader, Assistant Human Resources Manager. Olga Esparza participated as the interpreter.

**ISSUE:**

At issue in this matter is whether Ms. Ramos 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: Ms. Ramos was employed by Tyson Fresh Meats, Inc. from July 5, 2005 until September 4, 2009 as a full-time production worker. She quit the employment to relocate her family to Texas. She made the permanent move to be with her mother who is suffering from cancer. She did not have any other reason for quitting.

At the time Ms. Ramos quit, the employer was conducting an audit to make sure all employees had legal documentation to work in the United States. No determination had been made concerning Ms. Ramos' continued employment at the time she quit.

**REASONING AND CONCLUSIONS OF LAW:**

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). The term "good cause attributable to the employer" generally refers to some matter over which the employer has control. Ms. Ramos quit her job to move out of state to be near her ailing mother. This was not a matter over which her employer had control. An individual who leaves employment to move to a different locality is presumed to have left employment without good cause attributable to the employer. 871 IAC 24.25(2). The same is

true for an individual who leaves employment because of serious family needs or responsibilities. 871 IAC 24.25(23).

The administrative law judge concludes from all of the evidence that Ms. Ramos quit her employment for no good cause attributable to the employer. Although she had good personal reasons for leaving, her quit was not caused by the employer. Therefore, she is not entitled to job insurance benefits.

**DECISION:**

The representative's decision dated October 5, 2009, reference 01, is hereby affirmed as to result. Ms. Ramos quit her employment for no good cause attributable to the employer. Benefits are denied until she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she is otherwise eligible.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/pjs