

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KAYLA M REED**  
Claimant

**APPEAL NO. 07A-UI-09750-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TYSON FRESH MEATS INC**  
Employer

**OC: 09/16/07 R: 03**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Kayla M. Reed (claimant) appealed a representative's October 15, 2007 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits, and the account to Tyson Fresh Meats, Inc. (employer) would not be charged because she voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 5, 2007. The claimant participated in the hearing. The employer responded to the hearing notice but the employer's witness was not available for the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits?

**FINDINGS OF FACT:**

The claimant started working for the employer on July 16, 2007. The claimant worked as a full-time employee on first shift. The claimant understood that as a probationary employee she could not miss much work. The claimant has children and her mother took care of her children.

The claimant's mother became sick and was hospitalized the weekend of September 1. The claimant contacted relatives to see if they could take care of her children when she went to work. None of the claimant's relatives was able to help her.

The claimant was not scheduled to work Labor Day, but she was scheduled to work Tuesday, September 4. The claimant did not have anyone to take care of children so she did not call or report to work on Tuesday or any subsequent day. The claimant's mother was released from the hospital on Wednesday, September 5, but was not capable of taking care of the claimant's children. As of the date of the hearing, the claimant does not have anyone to take care of her

children because she is not working. The claimant never returned to work because she assumed the employer would discharge her because she was a probationary employee.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. The claimant quit her employment as of September 4 when she failed to call or report to work this day or any subsequent day. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive unemployment insurance benefits. Iowa Code § 96.6-2.

The law presumes a claimant quits employment without good cause when she leaves employment because of a lack of childcare. 871 IAC 24.25 (17). The claimant not only had childcare issues on September 4, but she also failed to notify the employer about this personal situation and never contacted or reported to work after August 31, 2007. For unemployment insurance purposes, the claimant quit her employment for reasons that do not qualify her to receive unemployment insurance benefits.

**DECISION:**

The representative's October 15, 2007 decision (reference 01) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of September 16, 2007. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css