

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARIA A CARDENAS**  
Claimant

**APPEAL NO. 09A-UI-10416-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EMW GROSCHOPP INC**  
Employer

**OC: 12/21/08**  
**Claimant: Respondent (2)**

Section 96.5-1 – Voluntary Quit  
Section 96.4-3 – Eligibility for Benefits

**STATEMENT OF THE CASE:**

EMW Groschopp, Inc., filed a timely appeal from an unemployment insurance decision dated July 16, 2009, reference 01, that gave an open-ended award of benefits to Maria A. Cardenas. After due notice was issued, a telephone hearing was held August 5, 2009 with Administration Vice President Connie Vander Ploeg participating for the employer. Ms. Cardenas did not provide a telephone number at which she could be contacted.

**ISSUES:**

Has the claimant left employment with good cause attributable to the employer?

Is the claimant eligible for unemployment insurance benefits for the week prior to the separation from employment?

**FINDINGS OF FACT:**

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Maria A. Cardenas was hired by EMW Groschopp, Inc. on August 25, 2008. The plant was closed during the week of June 29 through July 3, 2009. All employees were laid off for that week. Maria A. Cardenas resigned her employment effective the following Monday in order to travel to Mexico for an extended visit with relatives. She has not requested unemployment insurance benefits since the week ending July 4, 2009.

**REASONING AND CONCLUSIONS OF LAW:**

This case presents two separate issues. The first issue is whether the claimant is eligible for unemployment insurance benefits for the week ending July 4, 2009. She is. The employer's witness testified that the company was not contesting benefits for the claimant for the week ending July 4, 2009. The remaining question, then, is whether the separation from employment effective July 6, 2009 was a disqualifying event. It was.

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.

The claimant has the burden of proof. See Iowa Code section 96.6-2. As noted above, the claimant did not participate in the hearing. The employer's testimony is not contradicted. It establishes that the claimant left employment in order to take an extended trip to visit relatives. While this may constitute good personal cause for leaving employment, it certainly is not cause attributable to the employer. Benefits must be withheld effective July 5, 2009, the Sunday of the week in which the separation occurred.

**DECISION:**

The unemployment insurance decision dated July 16, 2009, reference 01, is reversed. The claimant resigned from employment without good cause attributable to the employer effective July 5, 2009. Benefits are withheld as of that date until the claimant has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The claimant has not been overpaid for the week ending July 4, 2009.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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