

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CARLOS WHITEHEAD**  
Claimant

**APPEAL NO. 10A-UI-16868-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TYSON FRESH MEATS INC**  
Employer

**OC: 11/07/10**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from a representative's decision dated November 30, 2010, reference 01, which denied unemployment insurance benefits. After due notice was issued, a telephone hearing was held on January 24, 2011. The claimant participated. The employer participated by Jim Hook, manager.

**ISSUE:**

At issue is whether the claimant left employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having considered the evidence in the record, the administrative law judge finds: Carlos Whitehead was employed by Tyson Fresh Meats, Inc. from January 19, 2009, until November 20, 2009, when he voluntarily left his employment for personal reasons. Mr. Whitehead worked as a full-time production worker and was paid by the hour.

Mr. Whitehead left his employment with Tyson Fresh Meats, Inc. after he had relocated to Chicago, Illinois, to provide child care for his children. Mr. Whitehead initially attempted to work a varied schedule at three and one-half days on and off but found that transportation issues prevented him from effectively working that schedule. Mr. Whitehead quit his employment in order to seek employment in the Chicago, Illinois area, where he had relocated. Work continued to be available to the claimant at the time that he chose to leave.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge finds the claimant left employment 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.

The evidence in the record establishes that the claimant's reason for leaving his employment with Tyson Fresh Meats, Inc. was because Mr. Whitehead had relocated to the Chicago, Illinois, area and could not commute back and forth to his employment in the state of Iowa. The claimant had relocated to provide child care for his children. While this is a good personal reason for leaving employment, it is not a good-cause reason attributable to the employer. Benefits are withheld.

**DECISION:**

The representative's decision dated November 30, 2010, reference 01, is affirmed. The claimant left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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