

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARIA H ARAGON
Claimant

APPEAL NO. 14A-UI-04016-SW

**ADMINISTRATIVE LAW JUDGE
DECISION**

TYSON FRESH MEATS INC

OC: 09/30/12
Claimant: Appellant (5)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated April 17, 2014, reference 04, that concluded she voluntarily quit employment without good cause. An in-person hearing was held on May 3, 2014. The claimant participated in the hearing with the assistance of an interpreter, Ike Rocha. Edward Orr participated in the hearing on behalf of the employer.

ISSUE:

Was the claimant was overpaid unemployment insurance benefits?

FINDINGS OF FACT:

The claimant worked full time for the employer as a production worker from August 1993 to April 4, 2012. She injured her shoulder at work in 2009, but had reoccurring problems with her shoulder that limited her ability to work.

In April 2012, the employer's worker compensation doctor released the claimant to return to work without restrictions. The claimant was working in her production job but allowed to work at her own pace as part of a work-hardening program to get her back working in her regular job.

The claimant informed the employer that she was in too much discomfort to work. The nurse manager told her to talk to her attorney about arranging for a second opinion. The claimant stopped working at that point but was considered an employee on leave.

The claimant filed for unemployment insurance benefits effective September 30, 2012. The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits effective September 30, 2012, because she was on a leave of absence was affirmed in a decision of the administrative law judge issued on January 17, 2013. The administrative law judge's decision was affirmed by the Employment Appeal Board. That decision became final because it was not appealed further. The claimant filed weekly claims for benefits through November 3, 2012. The administrative law judge remanded the case for a decision regarding the separation from employment, but nothing was done regarding the remand until April 2014.

On March 13, 2013, the claimant signed a release, receipt, satisfaction, and resignation document stating: "I am voluntarily resigning from employment with Tyson's effective the 15th day of March, 2013." This was done as part of a workers' compensation settlement.

Since March 2013, the claimant had been reemployed and earned over ten times her weekly benefit in this later employment.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1.

The evidence shows the claimant was on a leave of absence until March 15, 2013, and then voluntarily quit employment without good cause attributable to the employer to accept a workers' compensation settlement.

The decision in this case has no practical effect because the claimant has not filed any claims for unemployment benefits since March 15, 2013, and she has earned enough money to requalify for benefits if she were to lose her current job.

DECISION:

The unemployment insurance decision dated April 17, 2014, reference 04, is modified with no change in the outcome. The claimant is disqualified from receiving unemployment insurance benefits effective March 15, 2013, based on her voluntarily quitting employment without good cause.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css