

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JON K DAWSON
Claimant

APPEAL NO. 14A-UI-00086-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAGGONER SOLUTIONS CO
Employer

**OC: 12/01/13
Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed an appeal from a representative's decision dated December 31 2013, reference 01, which held that the claimant was ineligible for unemployment insurance benefits. After due notice, a hearing was held on February 12, 2014, by telephone conference call. The claimant participated personally. Employer participated by Sue Dinwiddie, human resources assistant, and Robert Smith, production manager. Steve Mason was a witness for the claimant. Employer's Exhibits 1-11 were received into evidence.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer is an industrial cleaning contractor. The claimant was hired on May 30, 2013. He was a driver and laborer. He was a full-time employee. His last day of work was December 3, 2013. The claimant was laid off from his job. He did not have another job at the time he was laid off. He was able to go to work for Team Staffing on December 5, 2013.

REASONING AND CONCLUSIONS OF LAW:

871 IAC 24.1(113)a provides:

Separations. All terminations of employment, generally classifiable as layoffs, quits, discharges, or other separations.

a. Layoffs. A layoff is a suspension from pay status (lasting or expected to last more than seven consecutive calendar days without pay) initiated by the employer without prejudice to the worker for such reasons as: lack of orders, model changeover,

termination of seasonal or temporary employment, inventory-taking, introduction of laborsaving devices, plant breakdown, shortage of materials; including temporarily furloughed employees and employees placed on unpaid vacations.

The claimant is eligible for unemployment insurance benefits. The greater weight of the evidence is that the claimant was laid off by the employer. Robert Smith, the production manager, testified that he was going to lay employees off and the claimant was one of the employees. Steve Mason testified that the claimant was told he was laid off. The notion that the claimant already had a job appears to be a miscommunication as it is obvious the claimant did not have a job lined up if he went to a temporary employment agency two days later. He would not have done this if he had a job with Roquette as the employer believed he did. A layoff is a non-disqualifying separation of employment. Benefits are allowed if the claimant is otherwise eligible.

DECISION:

The decision of the representative dated December 31, 2013, reference 01, is reversed. Unemployment insurance benefits are allowed, if the claimant is otherwise eligible.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/pjs