

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAY ROTH
Claimant

APPEAL NO: 10A-UI-17717-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE UNIVERSITY OF IOWA
Employer

OC: 11-15-09
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Leaving – Layoff
Section 96.4-3 – Able and Available for Work

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the December 22, 2010, reference 04, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on February 9, 2010. The claimant participated in the hearing. The employer notified the Appeals Section it did not wish to participate in the hearing as it was not contesting the cases.

ISSUE:

The issue is whether the claimant was laid off.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant is employed as a full-time seasonal groundskeeper for Finkbine Golf Course for The University of Iowa. He began his employment March 23, 2009. He was partially laid off beginning November 15, 2009, and laid off for the season December 11, 2009. He returned to work April 5, 2010. He was laid off for the season November 11, 2010, and will return to his position when weather permits in the spring of 2011. The claimant is not a faculty (emphasis added) member at the University.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was laid off due to a lack of work.

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 is a full-time seasonal employee of the University's golf course and is laid off each year when weather forces the golf course to close. Therefore, the separation was attributable to a lack of work by the employer. Benefits are allowed effective the week ending November 20, 2009.

DECISION:

The December 22, 2010, reference 04, decision is reversed. The claimant was laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

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