

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SEAN M LARSON
Claimant

REES ASSOCIATES INC
Employer

APPEAL 16A-UI-12955-DGT
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 11/13/16
Claimant: Respondent (1)

Iowa Code § 96.5(1) – Voluntary Quitting – Layoff Due to Lack of Work
Iowa Admin. Code r. 871-24.1(113) – Definitions – Separations

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated November 28, 2016, (reference 03) that held claimant eligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on December 22, 2016. Employer participated by Veronica Gonzalez, Human Resources Director. Claimant failed to respond to the hearing notice and did not participate.

ISSUE:

The issue in this matter is whether the claimant was temporarily laid off due to a lack of work?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on November 9, 2016. Claimant was laid off by employer after that date because of a lack of work.

Employer tried to call claimant back to tell her there was work available after she filed her claim. Employer called claimant on December 1, 2016 and left a message on December 2, 2016. Employer had not sent a written offer of work to claimant as of the date of the hearing.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code § 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.

Iowa Admin. Code r. 871-24.1(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.

Claimant was laid off work by employer on November 10, 2016. Claimant was not discharged for misconduct, and she did not resign from the employment. Therefore, the temporary separation was attributable to a lack of work by the employer. Benefits are allowed.

DECISION:

The November 28, 2016, (reference 03) unemployment insurance decision is affirmed. The claimant was temporarily laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.

Duane L. Golden
Administrative Law Judge

Decision Dated and Mailed

dlg/rvs