

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ALAN J SIEFKEN
Claimant

APPEAL NO. 08A-UI-00510-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CLIVE COLLISION CENTER INC
Employer

OC: 12-30-07 R: 03
Claimant: Respondent (1)

Iowa Code § 96.5(1) – Voluntary Leaving - Layoff

STATEMENT OF THE CASE:

The employer filed a timely appeal from the January 15, 2008, reference 01, decision that allowed benefits. After due notice was issued, a hearing was held on January 30, 2008. The claimant did participate. The employer did participate through Steve Tommingo, Former Owner of the Business.

ISSUE:

Was the claimant laid off due to lack of work?

FINDINGS OF FACT:

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: On December 1, 2007, Steve Tommingo, Owner of Clive Collision Center, sold his business to Graham Auto Body. Once the sale was complete on December 1, 2007, no further work was available for the claimant with Clive Collision Center.

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 § 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.

There was no additional work for the claimant at Clive collision Centers Inc. once the business was sold. Therefore, the separation was attributable to a lack of work by the employer. Benefits are allowed, provided the claimant is otherwise eligible.

DECISION:

The January 15, 2008, reference 01, decision is affirmed. The claimant was laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/kjw