

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KEVIN MENG

Claimant

APPEAL NO: 10A-UI-06310-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

GREG'S LAWN SERVICE INC

Employer

OC: 02-28-10

Claimant: Respondent (1)

Section 96 5-1 – Voluntary Leaving – Layoff

Section 96.4-3 – Able and Available for Work

STATEMENT OF THE CASE:

The employer filed a timely appeal from the April 21, 2010, reference 02, decision that allowed benefits to the claimant. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on June 14, 2010. The claimant participated in the hearing. Greg Scharf, President/Owner and Linda Simons, Office Manager, participated in the hearing on behalf of the employer.

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 was employed as a part-time on-call laborer as a seasonal snow removal operator for Greg's Lawn Service from November 16, 2009 to February 20, 2010. His job ended when the snow removal season ended. The claimant is able and available for work.

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 worked as an on-call seasonal snow removal operator. When the season ended so did his employment. Therefore, the separation was attributable to a lack of work by the employer. Benefits are allowed.

DECISION:

The April 21, 2010, reference 02, decision is affirmed. 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

je/pjs