

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CODY K CLIPPERTON
Claimant

OKOBOJI BARZ INC
Employer

APPEAL 16A-UI-08488-LJ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/10/16
Claimant: Respondent (1)

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Admin. Code r. 871-24.1(113)a – Layoff

STATEMENT OF THE CASE:

The employer filed an appeal from the July 28, 2016, (reference 03) unemployment insurance decision that allowed benefits based upon a determination that claimant was dismissed from work because the job was finished. The parties were properly notified of the hearing. A telephone hearing was held on August 23, 2016. The claimant, Cody K. Clipperton, did not register a telephone number at which to be reached and did not participate in the hearing. The employer, Okoboji Barz, Inc., participated through Jenny Moran, human resources.

ISSUE:

Was the claimant discharged for disqualifying job-related misconduct?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed part time, most recently as a bar-back, from January 28, 2016 until January 30, 2016, when he was dismissed after a promotional weekend-long event. Claimant was a full-time employee of Parks Marina, which operates on the same premises as the employer and is owned by the same party. A promotional event was held on the premises the weekend of January 28, and claimant assisted with bartending during this event. Claimant did not perform any work for this employer after that weekend.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant was discharged from employment for no disqualifying reason. Benefits are allowed, provided claimant is otherwise eligible.

Iowa Code § 96.5(2)a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

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 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.

Here, claimant was a short-term employee of this employer. He was hired to assist with a promotional event one weekend, and he performed no additional work for this employer after that event concluded. The administrative law judge finds claimant was laid off from his employment with this employer. Benefits are allowed, provided claimant is otherwise eligible.

DECISION:

The July 28, 2016, (reference 03) unemployment insurance decision is affirmed. Claimant was discharged from employment for no disqualifying reason. Benefits are allowed, provided he is otherwise eligible.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed

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