

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JONATHON ORILLION
Claimant

APPEAL 20A-UI-11026-BH-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

INVENTORY TRADING COMPANY
Employer

**OC: 05/24/20
Claimant: Appellant (2)**

Iowa Code section 96.5(1) – Voluntary Quit
Iowa Administrative Code rule 871-24.25 – Voluntary Quit Without Good Cause
Iowa Code section 96.5(2)(a) – Discharge for Misconduct
Iowa Administrative Code rule 871-24.32(1)(a) – Discharge for Misconduct

STATEMENT OF THE CASE:

Jonathon Orillion appealed the August 31, 2020 (reference 01) unemployment insurance decision that denied benefits. The agency properly notified the parties of the hearing. The undersigned presided over a telephone hearing on October 27, 2020. Orillion participated personally and testified. Inventory Trading Company (ITC) participated through owner Pat Einarsen, who served as the employer representative and testified, and human resources specialist Rebecca Thomas, who testified.

ISSUES:

Was Orillion's separation from employment with ITC a layoff, discharge for misconduct, or voluntary quit without good cause attributable to the employer?

Did ITC discharge Orillion for job-related misconduct?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the undersigned finds the following facts.

ITC hired Orillion on October 4, 2017. Orillion worked full time as an in-house sales representative. Orillion was still employed by ITC at the time of hearing.

In the spring of 2020, the COVID-19 virus began spreading across Iowa and the country. The pandemic impacted some businesses more than others. ITC is a business that has been hit hard by COVID-19.

ITC suffered a decrease in its business due to COVID-19. As a result, ITC has implemented rolling layoffs of staff. Employees such as Orillion will work for a few weeks, then go on layoff for a couple of weeks, and then return to work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes ITC discharged Orillion from employment for no disqualifying reason.

Under Iowa Code section 96.3(2), the agency shall pay unemployment insurance benefits to each individual who is totally unemployed, meets the eligibility criteria in section 96.4, and is not disqualified by a provision of section 96.5. There is no indication in the record that Orillion is not eligible under section 96.4. And there is no indication in the record that Orillion is disqualified by a provision of section 96.5.

Rather, the evidence establishes ITC placed Orillion on a temporary layoff due to decreased demand under rule 871-24.1(113)(a), which states:

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 labor-saving devices, plant breakdown, shortage of materials; including temporarily furloughed employees and employees placed on unpaid vacations.

Consequently, the record shows that Orillion was totally unemployed during the weeks ITC placed him on layoff. Benefits are allowed for such weeks, provided Orillion is otherwise eligible under Iowa law.

DECISION:

The August 31, 2020 (reference 01) unemployment insurance decision is reversed. The evidence establishes that ITC has placed Orillion on layoff, making him totally unemployed during certain weeks. Benefits are allowed, provided Orillion is otherwise eligible. Any benefits claimed and withheld on this basis shall be paid.



Ben Humphrey
Administrative Law Judge

October 29, 2020
Decision Dated and Mailed

bh/scn