

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DONALD SMOTHERS**  
Claimant

**APPEAL NO: 15A-UI-04114-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AREA PRO PAINTING LLC**  
Employer

**OC: 01/04/15**  
**Claimant: Appellant (2)**

Section 96 5-1 – Voluntary Leaving – Layoff  
Section 96.4-3 – Able and Available for Work

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the March 25, 2015, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on May 6, 2015. The claimant participated in the hearing with former supervisor Donna Drake. The employer provided a phone number prior to the hearing but was not available at that number at the time of the hearing and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice.

**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 full-time painter for Area Pro Painting from December 8, 2014 to December 17, 2014. He was laid off due to a lack of 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 was hired to finish a job at Marshalltown High School and was told by the employer there would be continuing work in the future. Instead, when the Marshalltown High School job

was finished the claimant was laid off due to a lack of work. Therefore, the separation was attributable to a lack of work by the employer. Benefits are allowed.

**DECISION:**

The March 25, 2015, reference 01, decision is reversed. 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/css