

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**EDIN ZONIC**  
Claimant

**APPEAL NO. 12A-UI-08313-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HAWKEYE HEALTH SERVICES INC**  
Employer

**OC: 06/03/12**  
**Claimant: Appellant (2-R)**

871 IAC 24.1(113) – Layoff

**STATEMENT OF THE CASE:**

Edin Zonic filed a timely appeal from the June 29, 2012, reference 02, decision that denied benefits in connection with a June 1, 2011 separation. After due notice was issued, a hearing was held on August 21, 2012. Mr. Zonic participated. The employer did not respond to the hearing notice instructions to provide a telephone number for the hearing and did not participate. Bosnian-English interpreter Tanja Abramovic assisted with the hearing.

**ISSUE:**

Whether Mr. Zonic separated from the employment for a reason that disqualifies him for unemployment insurance benefits.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Edin Zonic was employed by Hawkeye Health Services, Inc., as a full-time in-home care giver from 2004 until June 1, 2011, when the employer laid him off. The Hawkeye Health Services clients assigned to Mr. Zonic elected to have family members provide the in-home services and to discontinue services through Hawkeye Health Services. The employer advised Mr. Zonic that the employer had no further work for him.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Workforce Development rule 871 IAC 24.1(113) provides as follows:

24.1(113) 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.

b. Quits. A quit is a termination of employment initiated by the employee for any reason except mandatory retirement or transfer to another establishment of the same firm, or for service in the armed forces.

c. Discharge. A discharge is a termination of employment initiated by the employer for such reasons as incompetence, violation of rules, dishonesty, laziness, absenteeism, insubordination, failure to pass probationary period.

d. Other separations. Terminations of employment for military duty lasting or expected to last more than 30 calendar days, retirement, permanent disability, and failure to meet the physical standards required.

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.

Iowa Code section 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.

The layoff would not disqualify Mr. Zonic for unemployment insurance benefits. Mr. Zonic is eligible for benefits, provided he is otherwise eligible. The employer's account may be charged.

This matter will be remanded for determination of whether Mr. Zonic has been available for work and engaged in an active and earnest search for new employment since the beginning of the claim year that started June 3, 2012.

**DECISION:**

The Agency representative's June 29, 2012, reference 02, decision is reversed. The claimant was laid off effective June 1, 2011. The claimant is eligible for benefits, provided he is otherwise eligible. The employer's account may be charged.

This matter is remanded for determination of whether the claimant has been available for work and engaged in an active and earnest search for new employment since the beginning of the claim year that started June 3, 2012.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs