

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DARRELL STONEHOCKER
Claimant

**APPEAL NO: 06A-UI-08306-BT
ADMINISTRATIVE LAW JUDGE
DECISION**

ADECCO USA INC
Employer

**OC: 07/02/06 R: 02
Claimant: Respondent (5)**

Section 871 IAC 24.1(113)a - Separation Due to Layoff

STATEMENT OF THE CASE:

Adecco USA, Inc. (employer) appealed an unemployment insurance decision dated August 8, 2006, reference 01, which held that Darrell Stonehocker (claimant) was eligible for unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 5, 2006. The claimant participated in the hearing. The employer participated through Katie Nguyen, Senior Staffing Consultant and employer representative Donna Klauza. Employer's Exhibits One through Three were admitted into evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant has had a disqualifying separation from employment.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant has been employed with this temporary employment agency since February 19, 2002. He was laid off work by the employer on April 3, 2006. The claimant took off approximately three months of work and contacted the employer again at the end of June 2006 but no work was available.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. All terminations of employment are generally classified as layoffs, quits, discharges or other separations. 871 IAC 24.1(113)(a). A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer or an employer has discharged the claimant for work-connected misconduct. Iowa Code sections 96.5-1 and 96.5-2-a.

The evidence establishes the claimant was laid off on April 3, 2006. When initially questioned by the Administrative Law Judge, the employer testified the claimant was laid off work. Her testimony later changed but only after being prompted by the employer representative. The employer's first responses are found most credible, particularly since they are in agreement with the claimant's understanding of his work status. When an employer initiates a separation, the reasons for the separation must constitute work-connected misconduct before a claimant can be denied unemployment insurance benefits. A layoff does not constitute work-connected misconduct. The claimant's separation from employment was not due to any misconduct on his part nor did he quit his job. The claimant is qualified to receive unemployment insurance benefits, provided he is otherwise eligible.

DECISION:

The unemployment insurance decision dated August 8, 2006, reference 01, is modified with no effect. The claimant is qualified for unemployment insurance benefits, provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs