

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LAURIE A HALL
Claimant

BILLS FOREST CITY SUPERMARKET INC
Employer

APPEAL 19A-UI-05433-S1-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/16/19
Claimant: Appellant (2)

Iowa Code § 96.5-1 – Voluntary Leaving - Layoff
871 IAC 24.1(113)a – Separations From Employment

STATEMENT OF THE CASE:

Laurie Hall (claimant) appealed a representative's July 5, 2019, decision (reference 01) that concluded ineligibility to receive unemployment insurance benefits because the claimant had voluntarily quit employment with Bills Forest City Supermarket (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for August 1, 2019. The claimant participated personally. The employer did not provide a telephone number where it could be reached and therefore, did not participate in the hearing. The administrative law judge took official notice of the administrative record.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on February 11, 2008, and at the end of her employment she was working as a full-time relief store manager. On May 9, 2019, the owners of the store met with employees. They said the store was being sold to Hy-Vee and the last day the store would be open would be May 31, 2019. Employment opportunities would be available at Hy-Vee. The claimant worked with the employer through May 31, 2019.

After May 31, 2019, people remodeled and on June 14, 2019, Hy-Vee held a grand opening of its new store in the employer's former location. The claimant filed for unemployment insurance benefits with an effective date of June 16, 2019.

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 § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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 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 (lasting or expected to last more than seven consecutive calendar days without pay) 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.

The employer laid the claimant off for lack of work as of May 31, 2019. When an employer suspends a claimant from work status the separation does not prejudice the claimant. The claimant's separation was attributable to a lack of work by the employer. Benefits are allowed, provided the claimant is otherwise eligible.

DECISION:

The representative's July 5, 2019, decision (reference 01) is reversed. The claimant was laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/scn