

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOSUE CANO
Claimant

APPEAL NO. 10A-UI-05481-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MONSANTO COMPANY
Employer

OC: 08/09/09
Claimant: Appellant (2)

871 IAC 24.1(113)a - Layoff

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated March 30, 2010, reference 01, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on May 28, 2010. The parties were properly notified about the hearing. The claimant participated in the hearing with a witness, Norman Cano. No one participated in the hearing on behalf of the employer.

ISSUE:

Was the claimant laid off due to lack of work?

FINDINGS OF FACT:

The claimant worked for the employer as a seed bagger for several years. His last day of work was on February 19, 2010. At that point, the claimant was informed that he was being laid off due to lack of work. He never quit his employment and is willing to return to work if recalled.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code section 96.5-1 and 96.5-2-a. The claimant did not quit and was not discharged for misconduct. He was laid off due to lack of work and is eligible for benefits, if he is otherwise qualified. 871 IAC 24.1(113)a.

DECISION:

The unemployment insurance decision dated March 30, 2010, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs