

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

SHANNON L HARN  
413 N BROADWAY AVE  
NEW HAMPTON IA 50659-1113

GREAT PLAINS COMPANIES INC  
ATTN – PATRICIA WITTSTRUCK  
1 CARLSON PKWY STE 120  
PLYMOUTH MN 55447

Appeal Number: 06A-UI-02052-DT  
OC: 01/08/06 R: 03  
Claimant: Respondent (1/R)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Leaving - Layoff

STATEMENT OF THE CASE:

Great Plains Companies, Inc. (employer) appealed a representative's February 7, 2006 decision (reference 02) that concluded Shannon L. Harn (claimant) was qualified to receive unemployment insurance benefits. Hearing notices were mailed to the parties' last-known addresses of record for a telephone hearing to be held on March 9, 2006. The claimant participated in the hearing. Chad Sweitzer appeared on the employer's behalf. The parties agreed to stipulated facts. 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.

## FINDINGS OF FACT:

The claimant started working for the employer on March 28, 2005. He worked full time as a truss assembler at the employer's New Hampton, Iowa, plant. On October 2, 2005, the claimant's employment with the employer ended because the employer sold that business location to a new owner, United Building Centers (UBC), doing business as Timber Roots New Hampton Truss, who then became the claimant's new employer. The claimant had a short-term seasonal layoff from UBC beginning January 6 and ending January 27, 2006, the period of time for which the claimant filed for and received unemployment insurance benefits.

## REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether there a disqualifying separation from employment either through a voluntary quit without good cause attributable to the employer or through a discharge for misconduct.

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.

871 IAC 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 separation from the employer who is the subject of this case, Great Plains Companies, occurred on October 2, 2005. After October 2, Great Plains no longer had work for the claimant, because it had eliminated his position by selling the business unit. Therefore, the October 2, 2005, separation was a layoff for lack of work by the employer. Immediately following the claimant's layoff from Great Plains, the claimant became an employee of UBC and worked continually for the new employer until his layoff from UBC from January 6 through January 27, 2006. UBC, the new employer, did not contest the claimant's eligibility for benefits for that period of layoff. Benefits are allowed.

While the claimant remained employed by UBC after the layoff separation from Great Plains, determination of the merits of the October 2, 2005, separation from Great Plains is still necessary because Great Plains remains a base period employer for the claimant's current benefit year. Whether the Great Plains employer account will be subject to charge for benefits paid to the claimant during his claim year will rest on whether there was a transfer of account successorship approved by the Agency. Iowa Code section 96.7-2-b. That determination is outside of the jurisdiction of the administrative law judge in this case; that determination is made by the Agency's Tax/Chargeback Unit.

DECISION:

The representative's February 7, 2006 decision (reference 02) is affirmed. The claimant was laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible. The matter is remanded to the Tax/Chargeback Unit Section for determination as to whether there has been an account transfer and successorship.

ld/kjw