

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

EDWARD J MIKOTA
Claimant

APPEAL NO. 08A-UI-01371-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

GEMINI INC
Employer

OC: 01-20-08 R: 04
Claimant: Respondent (1)

Iowa Code § 96.5(1) – Voluntary Leaving - Layoff

STATEMENT OF THE CASE:

The employer filed a timely appeal from the February 6, 2008, reference 01, decision that allowed benefits. After due notice was issued, a hearing was held on February 27, 2008. The claimant did not participate. The employer did participate through Nancy Vandergon, Human Resources Manager.

ISSUE:

Was the claimant laid off due to lack of work?

FINDINGS OF FACT:

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: Claimant was employed as a custodian, part-time, beginning April 29, 1996, through date of hearing, as he remains employed.

In January 2008, due to slumping sales, the employer laid off all of their part-time employees for one week as a cost-saving measure. The claimant was laid off due to lack of work for the one-week period ending January 26, 2008.

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:

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.

The claimant was laid off due to lack of work for one week ending January 26, 2008. Therefore, the separation was attributable to a lack of work by the employer. Benefits are allowed.

DECISION:

The February 6, 2008, reference 01, decision is affirmed. The claimant was laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/kjw