

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

MIKKI F COONEY

Claimant

APPEAL NO: 20A-UI-10669-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

BUNN-O-MATIC CORPORATION

Employer

OC: 03/22/20

Claimant: Appellant (2)

Section 96 5-1 – Voluntary Leaving – Layoff

Section 96.4-3 – Able and Available for Work

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the August 31, 2020, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on October 20, 2020. The claimant participated in the hearing. Gabrielle Rutledge, Human Resources Generalist, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant was laid off.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time assembler for Bunn-O-Matic Corporation from April 25, 2016 and is still employed with that employer. She was furloughed due to Covid-19 March 25, 2020, and employees were gradually brought back to work. The claimant returned to work May 19, 2020. The employer required all employees to wear masks and the claimant was unable to wear a mask so the employer furloughed her again from May 27 through August 5, 2020, at which time the claimant returned and is wearing a face shield.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was laid off.

Iowa Code section 96.4-3 provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially

unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph (1) or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

Iowa Code section 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 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 furloughed the claimant from March 25 through May 18 and again from May 27 through August 4, 2020. The first furlough was plant wide due to Covid-19 and the second furlough occurred because the claimant could not wear a mask and the employer could not accommodate her condition. Because the employer chose to furlough the claimant rather than place her on a leave of absence, the separation was attributable the employer. Therefore, benefits are allowed.

DECISION:

The August 31, 2020, reference 01, decision is reversed. The claimant was laid off. Benefits are allowed, provided the claimant is otherwise eligible.



Julie Elder
Administrative Law Judge

October 23, 2020
Decision Dated and Mailed

je/sam