

**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**

**ROCKIE L MARVELLI
APT 13B
502 E RENO ST
KNOXVILLE IA 50138**

**MIRON CONSTRUCTION CO INC
PO BOX 509
NEENAH WI 54957-0509**

**Appeal Number: 05A-UI-08683-HT
OC: 07/24/05 R: 02
Claimant: Appellant (2)**

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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Rockie Marvelli, filed an appeal from a decision dated August 24, 2005, reference 03. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on September 8, 2005. The claimant participated on his own behalf and with a witness, Fred Marvelli. The employer, Miron Construction Company, Inc. (Miron), did not provide a telephone number where a representative could be contacted and did not participate.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Rockie Marvelli was employed by Miron from

August 2004 until June 6, 2005. He was a full-time concrete finisher. On June 6, 2005, Superintendent Don Matthews told him the work was "winding down" and he was laid off.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes he is not.

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.

The employer has asserted the claimant quit. However, there is nothing in the record to support this contention. The claimant maintained he was laid off for lack of work and Miron Construction has not presented any evidence to rebut this. The claimant was laid off for lack of work and this is not a disqualifying separation.

DECISION:

The representative's decision of August 24, 2005, reference 03, is reversed. Rockie Marvelli is qualified for benefits provided he is otherwise eligible.

bgh/kjw