

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**VALENTIN RANGEL  
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WILTON IA 52778**

**THE HON COMPANY  
EMPLOYERS EDGE LLC  
WESTMINTER CO 80035**

**APPEAL 21A-UI-19156-DH-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**APPEAL RIGHTS:**

**This Decision Shall Become Final**, unless within fifteen (15) days from the mailing date below the administrative law judge's signature on the last page of the decision, 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:

**Employment Appeal Board  
4<sup>th</sup> Floor – Lucas Building  
Des Moines, Iowa 50319  
or  
Fax (515)281-7191**

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.

**AN APPEAL TO THE BOARD SHALL STATE CLEARLY:**

The name, address and social security number of the claimant.

A reference to the decision from which the appeal is taken.  
That an appeal from such decision is being made and such appeal is signed.

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.

**SERVICE INFORMATION:**

A true and correct copy of this decision was mailed to each of the parties listed.

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**ONLINE RESOURCES:**

UI law and administrative rules: <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-law-and-administrative-rules>

UI Benefits Handbook: <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-benefits-handbook-guide-unemployment-insurance-benefits>

Handbook for Employers and forms: <https://www.iowaworkforcedevelopment.gov/employerforms>

Employer account access and information: <https://www.myiowaui.org/UITPTaxWeb/>

National Career Readiness Certificate and Skilled Iowa Initiative: <http://skillediowa.org/>

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**VALENTIN RANGEL**  
Claimant

**THE HON COMPANY**  
Employer

**APPEAL 21A-UI-19156-DH-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/09/21**  
**Claimant: Appellant (2R)**

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Iowa Code § 96.5(1) - Voluntary Quit  
Iowa Code § 96.5(2)a - Discharge for Misconduct  
Iowa Admin. Code r. 871-24.1(113)a - Layoffs

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the August 18, 2021, (reference 01) unemployment insurance decision that denied benefits based upon his voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on October 20, 2021. Claimant, Rangel Valentin, participated and testified. Employer, The Hon Company, failed to respond to the hearing notice and provide a telephone number at which they could be reached for the scheduled hearing. Judicial notice of the administrative file was taken.

**ISSUE:**

Was the separation a layoff, discharge for misconduct or voluntary quit without good cause?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed starting sometime in 2015. His last day worked was sometime in mid-August, 2020. Claimant recollection of dates was poor, but from his testimony the below timeframe is pieced together. In mid-August, employer announced it was laying everyone off going to close for two weeks due to COVID. Claimant was laid off from work. Shortly after the shut-down regarding COVID, employer called claimant to advise that third shift would not return at his location; and then again shortly after that conversation, employer notified claimant that there were openings in another shift at his plant and he could return to work. From being laid off to being called back to work all happened within a period of at least four days, but not more than twenty days. Claimant declined to return to work, as the shift in question would interfere with his part-time job at Wal-Mart that he had held for twenty-one years and with his caring for his mother-in-law. He asked to be informed when a third shift opening came available at a different location.

## **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant was laid off due to a temporary closure. Benefits are allowed.

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.

Sometime in mid-August 2021, claimant was temporarily laid off due to plant shut down regarding COVID-19. This decision was not related to claimant's performance. Claimant was separated from employment through no fault of their own. Within four to twenty days later, claimant was recalled to work, but on a different shift. For the reasons stated above, claimant declined to return to work from the layoff.

## **DECISION:**

The May 9, 2021, (reference 01) unemployment insurance decision is **REVERSED**. The claimant was temporarily laid off work due to COVID-19. Benefits are allowed, provided the claimant is otherwise eligible.

## **REMAND:**

The issues of how long claimant was laid off of work and whether claimant was able to work and available to work and whether employer's recall of claimant, but to a different shift and claimant's decline to return to work a different shift was for a good cause reason are remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

Claimant provided an updated address during the hearing by adding a post office box. That corrected address is noted on the first two pages of this decision. Claimant was directed to contact IWD customer service at 1-866-239-0843 as soon as possible to update his contact

information so that his information can be updated within our systems and not just on this one printed decision.



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Darrin T. Hamilton  
Administrative Law Judge

November 03, 2021  
Decision Dated and Mailed

dh/ol