

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

OSMAN AJDIMOVSKI
Claimant

APPEAL NO. 10A-UI-11201-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

SMOOTH SURFACES INC
Employer

OC: 07/04/10
Claimant: Appellant (2)

871 IAC 24.1(113)a – Layoff from Work

STATEMENT OF THE CASE:

The claimant appealed a department decision dated August 2, 2010, reference 01, that held he voluntarily quit work without good cause on January 5, 2010, and that denied benefits. A telephone hearing was held on September 27, 2010. The claimant and Attorney Thomas Berg participated. The employer did not participate.

ISSUE:

Whether claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the claimant and having considered the evidence in the record, finds: The claimant began working for his employer in late September 2009. The employer advised the claimant about January 1, 2010 that it had no more work for him, to go home, and wait for a call to come back to work. The claimant filed a (additional) claim for benefits effective January 3, 2010. The claimant did not receive a call back to work, and he has obtained other employment, such that he is not claiming for benefits.

The employer failed to call in for the hearing prior to the date and time scheduled.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.4-1 provides:

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

1. The individual has registered for work at and thereafter has continued to report at an employment office in accordance with such regulations as the department may prescribe. The provisions of this subsection shall be waived if the individual is deemed temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c".

The administrative law judge concludes the claimant was laid off for lack of work on or about January 1, 2010, which is a separation from employment for no disqualifiable reason.

The claimant was laid off due to a work slowdown and there is no evidence the employer called him back to work during the period he claimed unemployment benefits. The claimant is currently working for another employer and he is not claiming unemployment.

DECISION:

The department decision dated August 2, 2010, reference 01, is reversed. The claimant was laid off for lack of work on January 1, 2010, and benefits are allowed, provided he is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw