

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CASSANDRA M FULLERTON
Claimant

APPEAL NO: 14A-UI-06705-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KPTOO INC
Employer

OC: 06/22/14
Claimant: Respondent (1)

871 IAC 24.1(113)a – Layoff

STATEMENT OF THE CASE:

KPToo, Inc. (employer) appealed a representative's June 27, 2014 (reference 02) decision that concluded Cassandra M. Fullerton (claimant) was qualified to receive unemployment insurance benefits after a separation from employment. Hearing notices were mailed to the parties' last-known address of record for a telephone hearing to be held on July 22, 2014. At the time for the hearing, but in lieu of the hearing being held, the administrative law judge determined, and the employer concurred, that no hearing was necessary and a decision was made on the record.

ISSUE:

Was there a disqualifying separation from employment either through a voluntary quit without good cause attributable to the employer or through a discharge for misconduct?

FINDINGS OF FACT:

The claimant worked for the employer at its fast food restaurant until the employer transferred its ownership interest in the business to a new employer, Wheeldon Foods Iowa, L.L.C. (Wheeldon) on April 1, 2014.

After the transfer the claimant worked for Wheeldon until June 18, 2014. Another decision was issued addressing the separation between the claimant and Wheeldon on July 11, 2014 (reference 01) which concluded that the June 18, 2014 separation was disqualifying.

REASONING AND CONCLUSIONS OF LAW:

A separation is disqualifying if it is a voluntary quit without good cause attributable to the employer or if it is a discharge for work-connected misconduct.

Rule 871 IAC 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 separation between the claimant and the employer occurred on April 1, 2014 and was a layoff by the employer due to the sale of the business; the employer itself had no work it could provide to the claimant after that date. As this was not a disqualifying separation, benefits are allowed if the claimant is otherwise eligible.

The claimant is currently not otherwise eligible due to the determination that her separation from the subsequent employer was disqualifying.

DECISION:

The representative's June 27, 2014 (reference 02) decision is affirmed. The claimant was laid off from the employer, as of April 1, 2014, due to a lack of work. Benefits would be allowed if the claimant was otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/can