

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CARMEN FLORES

Claimant

APPEAL NO. 12A-UI-13637-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MONSANTO TECHNOLOGY LLC

Employer

OC: 01/01/12

Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Quitting – Layoff Due to Lack of Work

STATEMENT OF THE CASE:

The claimant filed an appeal from the November 8, 2012 (reference 02) decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call on December 17, 2012. Claimant participated through interpreter Olga Estarza. Employer opted not to participate.

ISSUE:

Was the claimant laid off due to a lack of work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as a seasonal field worker since 2001 and was separated from employment on October 5, 2012. The employer laid her off due to a lack of work. She is searching for work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was laid off due to a lack of work.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.1 provides:

Definitions. Unless the context otherwise requires, the terms used in these rules shall have the following meaning. All terms which are defined in Iowa Code chapter 96 shall be construed as they are defined in Iowa Code chapter 96.

24.1(113) *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 seasonal separation was attributable to a lack of work by the employer. Benefits are allowed.

DECISION:

The November 8, 2012 (reference 02) decision is reversed. The claimant was laid off due to a lack of work. Benefits are allowed and any withheld benefits shall be paid, provided the claimant is otherwise eligible.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/css