

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMANDA R BIRDNOW
Claimant

APPEAL NO. 12A-UI-11838-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**BBL INVESTMENTS
JIVA SALON & SPA**
Employer

**OC: 09/02/12
Claimant: Respondent (1)**

871 IAC 24.1(113)a – Separations From Employment
Section 96.5-1 – Voluntary Leaving - Layoff

STATEMENT OF THE CASE:

BBL Investments (employer) appealed a representative's September 24, 2012 decision (reference 02) that concluded Amanda Birdnow (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for October 17, 2012. The claimant did not provide a telephone number for the hearing and, therefore, did not participate. The employer participated by Allison Longnecker and Stephanie Bardal, former co-owners.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired in the fall of 2010, as a part-time stylist. The claimant worked until May 31, 2012. After that the business was sold to a new owner. The employer did not have any further work available because the business was sold. The new owner operated in the same location.

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 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.

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 (lasting or expected to last more than seven consecutive calendar days without pay) 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.

Therefore. Benefits are allowed.

The employer laid the claimant off for lack of work on May 31, 2012. When an employer suspends a claimant from work status, the separation does not prejudice the claimant. The claimant's separation was attributable to a lack of work by the employer. The claimant is eligible to receive unemployment insurance benefits for that period.

DECISION:

The representative's September 24, 2012 decision (reference 02) is affirmed. The claimant was laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs