IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS

JENNIFER M LANDGREBE
Claimant

PELLA CORPORATION
Employer

APPEAL NO. 11A-UI-01552-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 03/07/10
Claimant: Appellant (2)**

871 IAC 24.1(113) – Layoff

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the February 2, 2011, reference 02, decision that denied benefits. After due notice was issued, a hearing was held on March 10, 2011. The claimant participated. The employer had proper notice of the hearing, but submitted exhibits in lieu of participating in the hearing. Exhibits Two, Seven, and Eight were received into evidence.

ISSUE:

Whether the claimant was discharged for misconduct, voluntarily quit for good cause attributable to the employer, or was laid off.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed by Pella Corporation as a full-time laborer from 2003 until November 30, 2010, when the employer laid her off due to a decrease in work orders. Though the employer had submitted a protest in response to the notice of claim mailed to the employer on January 3, 2011, the employer indicated in its letter dated February 25, 2011, that the claimant was laid off due to lack of work, that the employer did not wish to protest the claim, and that the employer desired the claimant to begin receiving benefits immediately.

REASONING AND CONCLUSIONS OF LAW:

Iowa Workforce Development rule 871 IAC 24.1(113) provides as follows:

> 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.

b. Quits. A quit is a termination of employment initiated by the employee for any reason except mandatory retirement or transfer to another establishment of the same firm, or for service in the armed forces.

c. Discharge. A discharge is a termination of employment initiated by the employer for such reasons as incompetence, violation of rules, dishonesty, laziness, absenteeism, insubordination, failure to pass probationary period.

d. Other separations. Terminations of employment for military duty lasting or expected to last more than 30 calendar days, retirement, permanent disability, and failure to meet the physical standards required.

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.

Iowa Code section 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

The evidence in the record establishes that the claimant was laid off effective December 1, 2010. The claimant is eligible for benefits, provided she is otherwise eligible. The employer's account may be charged for benefits paid to the claimant.

DECISION:

The Agency representative's February 2, 2011, reference 02, decision is reversed. The claimant was laid off effective December 1, 2010. The claimant is eligible for benefits provided she is otherwise eligible. The employer's account may be charged for benefits paid to the claimant.

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James E. Timberland
Administrative Law Judge

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Decision Dated and Mailed

jet/kjw