

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TODD ROEDER
Claimant

APPEAL NO. 11A-UI-05546-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES
Employer

**OC: 04/11/10
Claimant: Respondent (1)**

871 IAC 24.1(113)a - Separation Due to Layoff

STATEMENT OF THE CASE:

Express Services (employer) appealed an unemployment insurance decision dated April 13, 2011, reference 06, which held that Todd Roeder (claimant) was eligible for unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 20, 2011. The claimant participated in the hearing and the employer participated in the hearing. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant was laid off work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was hired on November 14, 2008. He was most recently assigned to Winnebago Industries on June 21, 2010 in an on-going assignment, but the client ended the assignment early on March 7, 2011 due to the workload being down. The employer has no other assignments available at this time.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. All terminations of employment are generally classified as layoffs, quits, discharges or other separations. 871 IAC 24.1(113)(a). A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer or an employer has discharged the claimant for work-connected misconduct. Iowa Code §§ 96.5-1 and 96.5-2-a.

The evidence establishes the claimant was laid off on March 7, 2011. When an employer initiates a separation, the reasons for the separation must constitute work-connected misconduct before a claimant can be denied unemployment insurance benefits. A layoff does

not constitute work-connected misconduct. The claimant's separation from employment was not due to any misconduct on his part, nor did he quit his job. The claimant is qualified to receive unemployment insurance benefits, provided he is otherwise eligible.

DECISION:

The unemployment insurance decision dated April 13, 2011, reference 06, is affirmed. The claimant is qualified for unemployment insurance benefits, provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/kjw