

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SONIA MACIAS**  
Claimant

**APPEAL NO. 12A-UI-01343-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**JERALD DEAL**  
Employer

**OC: 12/18/11  
Claimant: Respondent (1)**

871 IAC 24.2(113)A – Short Term Layoff

**STATEMENT OF THE CASE:**

The employer filed an appeal from a decision of a representative dated February 1, 2012, reference 02, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on March 8, 2012. Claimant participated. The employer failed to respond to the hearing notice and did not participate. The record consists of the testimony of Sonia Macias. Official notice is taken of agency records. Ike Rocha served as Spanish interpreter.

**ISSUE:**

Whether the claimant is on a short term layoff.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, makes the following findings of fact:

The claimant works as a sorter in the employer's apple orchard. She is a seasonal employee. She was laid off on November 18, 2011. She plans to return to work when called back by the employer.

**REASONING AND CONCLUSIONS OF LAW:**

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.

The evidence established that the claimant is a seasonal employee and last worked for the employer in 2011. She was laid off on November 18, 2011. The claimant is looking for work and plans to return to work for the employer.

The administrative law judge notes that the employer's appeal letter questions whether the claimant is eligible for benefits based on non-covered agricultural wages. The administrative law judge does not have jurisdiction to consider that issue. If the employer wants to contest the claim based on non-covered wages, that concern must be addressed to the Iowa Workforce Development Unemployment Insurance Services Tax Division. The administrative law judge only rules that the claimant is on a short term layoff and is eligible for benefits provided she meets all other eligibility requirements. There are still wages in the claimant's base period from this employer.

**DECISION:**

The decision of the representative dated February 1, 2012, reference 02, is affirmed. The claimant is eligible for unemployment insurance benefits beginning December 18, 2011, provided she meets all other eligibility requirements.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

vls/pjs