

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KAITLYN L STORE

Claimant

APPEAL NO: 10A-UI-13727-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

CLEANING BEE SERVICES

Employer

OC: 08/15/10

Claimant: Respondent (1)

871 IAC 24.1(113)a – Lay-off

STATEMENT OF THE CASE:

The employer appealed a department decision dated September 22, 2010, reference 02, that held the claimant was laid-off on August 2, 2010, and benefits are allowed. A telephone hearing was held on November 2, 2010. The claimant, and her mother, Rebecca, participated. Vicky Siefker, Owner, participated for the employer.

ISSUE:

The issue is whether the claimant was laid-off from work.

FINDINGS OF FACT:

The administrative law judge having considered the evidence in the record, finds: The claimant was hired on July 8, 2010 to clean some newly constructed apartments. The employer was provided the work by Signature Construction. The claimant last worked on August 2. The employer advised claimant her work cleaning the apartments was finished, and there may be further work in a couple of weeks. The claimant did not receive any further offer of work nor did the employer contact her to come back to work.

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 administrative law judge concludes that the claimant was laid-off for lack of work on or about August 2, 2010. The claimant did not claim benefits until after August 15.

The employer does not dispute the claimant completed the initial job assignment. The employer admits it did not call the claimant back to work. The burden is on the employer to offer further work not the claimant to ask about it.

DECISION:

The department decision dated September 22, 2010, reference 02, is affirmed. The claimant was laid-off for lack of work on August 2, 2010. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs