

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHARLOTTE L COATS
Claimant

APPEAL NO. 11A-UI-09979-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

RGIS LLC
Employer

OC: 06/12/11
Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Leaving – Layoff Due to Lack of Work

STATEMENT OF THE CASE:

The claimant filed an appeal from the July 25, 2011 (reference 01) decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call on August 22, 2011. Claimant participated. Employer participated through district manager, James Buchholz.

ISSUE:

The issue is whether claimant was discharged for reasons related to job misconduct sufficient to warrant a denial of benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed part time as an inventory specialist/attendant and was separated from employment on October 28, 2010. The employer closed the district after it lost the Wal-Mart contract. The district manager at the time did not notify her of an opportunity to transfer to the Davenport office.

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 § 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.

Since the claimant's employment ended after the employer's contract with Wal-Mart was not renewed, the separation was attributable to a lack of work by the employer. Benefits are allowed.

871 IAC 24.23(27) provides:

(27) Failure to report on a claim that a claimant made any effort to find employment will make a claimant ineligible for benefits during the period. Mere registration at the workforce development center does not establish that a claimant is able and available for suitable work. It is essential that such claimant must actively and earnestly seek work.

Because of being permanently laid off from work, claimant is obligated to make at least two in-person work searches during each week benefits are claimed and may not restrict herself to temporary or intermittent work while waiting to reapply for work.

DECISION:

The July 25, 2011 (reference 01) decision is reversed. The claimant was laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/css