

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MATTHEW C STEGING

Claimant

APPEAL NO. 10A-UI-09289-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

1ST CLASS SECURITY INC

Employer

OC: 04/04/10

Claimant: Appellant (2)

871 IAC 24.1(113)a – Separations From Employment
Section 96.5-1 – Voluntary Leaving - Layoff

STATEMENT OF THE CASE:

Matthew Steging (claimant) appealed a representative's June 21, 2010 decision (reference 02) that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with 1st Class Security (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for August 16, 2010. The claimant participated personally. The employer did not provide a telephone number where it could be reached and therefore, did not participate in the hearing.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired in 2009, as a part-time security officer. The claimant told the employer he had asthma. On January 4, 2010, the employer told the claimant not to report to work on January 5, 2010, and the employer would find the claimant another location to work. The employer never provided another location for the claimant to work.

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 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.

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 employer laid the claimant off for lack of work on January 5, 2010. When an employer suspends a claimant from work status for a period of time, the separation does not prejudice the claimant. The claimant's separation was attributable to a lack of work by the employer. The claimant is eligible to receive unemployment insurance benefits after January 5, 2010.

DECISION:

The representative's June 21, 2010 decision (reference 02) is reversed. The claimant's separation was attributable to a lack of work by the employer. The claimant is eligible to receive unemployment insurance benefits after January 5, 2010.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css