

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

ALDO R PEREZ
1101 CROCKER ST APT 801
DES MOINES IA 50309

DES MOINES COLD STORAGE CO INC
PO BOX 781
DES MOINES IA 50303

Appeal Number: 04A-UI-09176-SWT
OC: 09/21/03 R: 02
Claimant: Respondent (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

871 IAC 24.1(113)a - Layoff

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated August 23, 2004, reference 08, that concluded the claimant's discharge was not for work-connected misconduct. A telephone hearing was held on September 29, 2004. The parties were properly notified about the hearing. The claimant participated in the hearing. Sandy Trimnell participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

The claimant worked as a casual dock laborer for the employer from January 4, 2004, to July 26, 2004. After July 26, 2004, the claimant regularly reported to the employer's jobsites but was informed that the employer did not have any work available. As a result of the employer's lack of any work for the claimant, he filed an additional claim for unemployment insurance benefits with an effective date of August 1, 2004.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law provides for a disqualification for claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code sections 96.5-1 and 96.5-2-a. On the other hand, individuals who are laid off due to lack of work are qualified to receive unemployment insurance benefits, provided they are otherwise eligible. See 871 IAC 24.1(113)a.

The findings of fact show how I resolved the disputed factual issues in this case by carefully assessing of the credibility of the witnesses and reliability of the evidence and by applying the proper standard and burden of proof. The claimant testified very credibly that he had regular contact with his supervisors but was not offered any additional work after July 26, 2004. The evidence establishes the claimant was laid off due to lack of work. He is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

DECISION:

The unemployment insurance decision dated August 23, 2004, reference 08, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

saw/tjc