

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROGER E SHADY
Claimant

APPEAL NO: 13A-UI-04594-ST

CUSTOM PRECAST COMPANY
Employer

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 01/06/13
Claimant: Respondent (1)**

871 IAC 24.1(113)a – Lay-off

STATEMENT OF THE CASE:

The employer appealed a department decision dated April 8, 2013, reference 02, that held claimant was laid-off on December 14, 2012, and benefits are allowed. A telephone hearing was held on May 28, 2013. The claimant participated. Carolyn Kelchen, Office Manager, participated for the employer.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge having heard witness testimony and having considered the evidence in the record finds: The claimant was laid-off from work on December 14, 2012. He ceased claiming for UI benefits the week ending March 23, 2013. When the employer submitted a re-call to work offer on March 25, claimant declined as he had accepted other employment.

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 December 14, 2012, and is eligible for benefits thru the week ending March 23. Since claimant ceased claiming UI benefits before the recall due to accepting other employment, there is no disqualification issue on March 25.

DECISION:

The department decision dated April 8, 2013, reference 02, is affirmed. The claimant' was laid-off for lack of work on December 14, 2012. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs