

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

WAYNE L SANDERSON
Claimant

AMERICAN WINDOW CLEANING QC, INC.
Employer

APPEAL 21A-UI-14061-AR-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/21/21
Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On June 16, 2021, the claimant, Wayne L. Sanderson, filed an appeal from the June 9, 2021 (reference 03) unemployment insurance decision that denied benefits based on the determination that claimant voluntarily quit employment with the employer, American Window Cleaning QC, Inc., without good cause attributable to the employer. The parties were properly notified about the hearing. A telephone hearing was held on August 16, 2021. Claimant participated personally, with witness Danielle Sanderson. The employer did not respond to the hearing notice and did not participate. Claimant's Exhibit A was admitted to the hearing record.

ISSUE:

Did claimant quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full-time as an estimator beginning in July 2015, and was separated from employment in March 2020, when he was laid off due to the COVID-19 pandemic.

Claimant worked for this employer, as well as another, related employer. Which payroll he was paid from depended on the kind of work he did. Claimant last performed work for the employer in March 2020.

In March 2020, he was informed that he was laid off due to the COVID-19 pandemic. He was the last employee to be laid off. There was no indication from the employer if or when he would be called back to work. He has not been recalled to work since that time.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant was laid off due to a lack of work. Benefits are allowed.

Iowa Code § 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

Iowa Admin. Code r. 871—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 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.

In March 2020, claimant was notified he was being laid off due to the COVID-19 pandemic. There is no indication that this decision was made due to claimant's performance or conduct in his role. In this case, claimant was separated from employment through no fault of his own. Claimant was let go by the employer due to a lack of work. Therefore, the separation was attributable to a lack of work by the employer. Benefits are allowed. Because of being permanently laid off from work, claimant is obligated to make at least two searches during each week benefits are claimed.

DECISION:

The June 9, 2021, (reference 03) unemployment insurance decision is reversed. The claimant was permanently laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.



Alexis D. Rowe
Administrative Law Judge

August 19, 2021
Decision Dated and Mailed

ar/scn