

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ROSA M ASKVIK
Claimant

SHELL FOODMART LLC
Employer

APPEAL 19A-UI-04968-S1-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/02/19
Claimant: Respondent (1)

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

STATEMENT OF THE CASE:

Shell Foodmart (employer) appealed a representative's June 17, 2019, decision (reference 02) that concluded Rosa Askvig (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 17, 2019. The claimant did not provide a telephone number where she could be reached and, therefore, did not participate. The employer participated by Celia Luther, Former Manager.

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 2018, as a part-time clerk. She worked twenty to twenty-five hours per week and rarely on the weekends. The employer notified the claimant that it was selling the business to Joe's Country Store effective June 3, 2019. On or about May 17, 2019, Joe's Country Store interviewed the claimant for a position and offered her part-time weekend hours only. The claimant did not take the offer.

The claimant worked for the employer through Friday, May 31, 2019. During her last week of employment she worked approximately twenty hours. She did not work the weekend of June 1 and June 2, 2019. On June 3, 2019, the employer sold the business to Joe's Country Store. As of June 3, 2019, continued work with the employer was not available for the claimant.

The claimant filed for unemployment insurance benefits with an effective date of June 2, 2019. She received \$1,052.00 in benefits between June 16 and July 13, 2019. No fact finding interview was scheduled by the department.

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, 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 (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 as of June 3, 2019. When an employer suspends a claimant from work status, 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.

DECISION:

The representative's June 17, 2019, decision (reference 02) is affirmed. The claimant was laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs