

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TERRY D PETERMAN
Claimant

APPEAL NO. 08A-UI-01486-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

AGRILIANCE LLC
Employer

**OC: 12-09-07 R: 03
Claimant: Appellant (2)**

Iowa Code § 96.5(1) – Voluntary Leaving - Layoff

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the January 22, 2008, reference 02, decision that denied benefits. After due notice was issued, a hearing was held on February 27, 2008. The claimant did participate. The employer did not participate. Claimant's Exhibit A was received.

ISSUE:

Was the claimant laid off due to lack of work?

FINDINGS OF FACT:

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: Claimant was employed as a truck driver full time beginning March 1995 through November 28, 2007 when he was laid off due to lack of 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 § 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.

The claimant had been ill and was off work in the fall of 2007. He was released to return to work on November 28, 2007. When he offered to return to work on November 28, 2007 the employer told him that business was slow and there was no work for him until spring. Therefore, the separation was attributable to a lack of work by the employer. Benefits are allowed.

DECISION:

The January 22, 2008, reference 02, decision is reversed. The claimant was laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/css