

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SENAD CORAGIC
Claimant

CV CORPORATION
Employer

APPEAL NO. 20A-UI-15479-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/03/20
Claimant: Appellant (2)

Iowa Code Section 96.5(1) – Layoff
Iowa Administrative Code rule 871-24.1(113) – Layoff

STATEMENT OF THE CASE:

The claimant, Senad Coragic, filed a timely appeal from the November 13, 2020, reference 06, decision that disqualified him for benefits, and that held the employer's account would not be charged for benefits, based on the deputy's conclusion that the claimant voluntarily quit on June 25, 2020 without good cause attributable to the employer. After due notice was issued, a hearing was held on January 25, 2021. The claimant did not provide a telephone number for the appeal hearing and did not participate. Colbey Vance represented the employer. Exhibit B, the June 24, 2020 layoff letter, was received into evidence.

ISSUE:

Whether the claimant was discharged for misconduct, voluntarily quit for good cause attributable to the employer, or was laid off.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed by CV Corporation, doing business as North East Machine & Tool until June 25, 2020, when the employer laid him off. Prior to the layoff, the claimant last performed work for the employer on June 24, 2020. At the end of the work day on June 24, 2020, the employer handed the claimant a written notice of permanent layoff due to a lack of work.

REASONING AND CONCLUSIONS OF LAW:

Workforce Development rule 871 IAC 24.1(113) provides as follows:

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.

b. Quits. A quit is a termination of employment initiated by the employee for any reason except mandatory retirement or transfer to another establishment of the same firm, or for service in the armed forces.

c. Discharge. A discharge is a termination of employment initiated by the employer for such reasons as incompetence, violation of rules, dishonesty, laziness, absenteeism, insubordination, failure to pass probationary period.

d. Other separations. Terminations of employment for military duty lasting or expected to last more than 30 calendar days, retirement, permanent disability, and failure to meet the physical standards required.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 698, 612 (Iowa 1980) and *Peck v. EAB*, 492 N.W.2d 438 (Iowa App. 1992).

The claimant was laid off effective June 25, 2020 due to a lack of work. The layoff did not disqualify the claimant for benefits or relieve the employer's account of liability for benefits. Contrast Iowa Code section 96.5(1) (regarding voluntary quit without good cause) and 96.5(2)(a) (regarding discharge for misconduct in connection with the employment). Based on the layoff, the claimant is eligible for benefits, provided he meets all other eligibility requirements. The employer's account may be charged.

DECISION:

The November 13, 2020, reference 06, decision is reversed. The claimant was laid off effective June 25, 2020. The claimant is eligible for benefits, provided he meets all other eligibility requirements. The employer's account may be charged.



James E. Timberland
Administrative Law Judge

February 10, 2021
Decision Dated and Mailed

jet/kmj