

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JACOB M MCCRANEY
Claimant

BERTCH CABINET MFG INC
Employer

APPEAL 17A-UI-00627-DL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 12/25/16
Claimant: Appellant (2)**

Iowa Code § 96.5(1) – Voluntary Quitting – Layoff Due to Lack of Work
Iowa Admin. Code r. 871-24.1(113) – Definitions – Separations

STATEMENT OF THE CASE:

The claimant filed an appeal from the January 13, 2017, (reference 01) unemployment insurance decision that denied benefits based upon voluntarily quitting the employment. The parties were properly notified about the hearing. A telephone hearing was scheduled to be held on February 8, 2017. Claimant and employer's benefits coordinator Mark Melcher registered for the hearing. No hearing was held as the parties agreed to the facts set out in the employer's January 26, 2017, letter sent for the hearing.

ISSUE:

Was the claimant temporarily laid off due to a lack of work?

FINDINGS OF FACT:

Having reviewed the employer's letter referenced above, the administrative law judge finds: Claimant was temporarily laid off for the three weeks beginning December 25, 2016, and ending January 14, 2017, due to production shut-down for the holidays and a company-sponsored cruise.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code section 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.

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.

Claimant was temporarily laid off for the three weeks beginning December 25, 2016, and ending January 14, 2017, due to production shut-down for the holidays and a company-sponsored cruise. Therefore, the temporary separation was attributable to a lack of work by the employer. Benefits are allowed.

DECISION:

The January 13, 2017, (reference 01) unemployment insurance decision is reversed. The claimant was temporarily laid off due to a lack of work for the three weeks-ending January 14, 2017. Benefits are allowed, provided the claimant is otherwise eligible.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/rvs