

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HUGO BALDERAS
Claimant

APPEAL NO. 09A-UI-19230-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PC & J CONSTRUCTION LLC
Employer

OC: 05/31/09
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Hugo Balderas filed a timely appeal from an unemployment insurance decision dated December 18, 2009, reference 08, that disqualified him for benefits. After due notice was issued, a telephone hearing was held February 4, 2010 with Mr. Balderas participating. Owner Pedro Ruyes participated for the employer, PC & J Construction, LLC.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Hugo Balderas was a construction worker for PC & J Construction, LLC beginning in July of 2009. He last worked on November 25, 2009, the day before Thanksgiving. Mr. Balderas does not drive. The brother of the business' owner provided transportation for him. No one came to pick Mr. Balderas up after November 25, 2009. When he called to find out if there was work available, he was told that there was none.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant left work under reasons that would disqualify him for benefits. It does not.

The evidence in this record persuades the administrative law judge that Mr. Balderas became unemployed due to a seasonal layoff. Since his services were no longer needed, the person who had been providing transportation for him stopped coming to Mr. Balderas' residence. No disqualification shall be imposed.

DECISION:

The unemployment insurance decision dated December 18, 2009, reference 08, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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