

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KATHERINE A PERRY**  
Claimant

**APPEAL NO. 07A-UI-02389-LT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CENTER FOR BEHAVIORAL SERVICES**  
Employer

**OC: 04/16/06 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 March 2, 2006, reference 04, decision that denied benefits. After due notice was issued, a telephone conference hearing was held on March 27, 2007. Claimant participated. Employer did not participate.

**ISSUE:**

The issue is whether claimant quit the employment without good cause attributable to the employer.

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant was employed as a full time psychiatric technician from June 21, 2004 until December 31, 2006, when she was laid off due to a lack of work. Her last day of work was December 26. She helped run the intensive outpatient treatment program (IOP). Her supervisor, Dr. Hamid, left to take a job in Pennsylvania. Claimant has a bachelor's degree and the law required a doctor to be on the premises once per week and available by phone every day. Thus, without Dr. Hamid's or any other doctor's presence or availability, the insurance company could not precertify patients and the program ceased to exist the week before the separation. Employer cut her hours to 32 per week during the summer of 2006 due to patient census reduction. Then her hours were cut further to 24 hours in the fall of 2006 until the separation due to utility expense and/or patient census. The board was looking for someone to replace Dr. Hamid but did not tell claimant work was available.

**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.

Since claimant was required to be supervised by a physician and there was no longer a physician on duty and no other work was available, the separation was attributable to a lack of work by the employer. Benefits are allowed.

**DECISION:**

The March 2, 2007, reference 04, decision is reversed. The claimant was laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.

---

Dévon M. Lewis  
Administrative Law Judge

---

Decision Dated and Mailed

dml/kjw