

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MATTHEW R LYONS

Claimant

WATER LANDSCAPE SUPPLY INC

Employer

APPEAL NO. 11A-EUCU-00752-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 11/22/09

Claimant: Respondent (1)

871 IAC 24.1(113)a – Lay-off

STATEMENT OF THE CASE:

The employer appealed a department representative's decision dated September 22, 2011, reference 06, that held the claimant was laid-off for lack of work on July 5, 2010, and benefits are allowed. A telephone hearing was held on October 25, 2011. The claimant participated. Carl Holt, Assistant to the Owner, participated for the employer.

ISSUE:

The issue is whether the claimant voluntary quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witness, and having considered the evidence in the record, finds that: The claimant started work as a full-time laborer on May 14, 2010, and last worked on July 5, 2010. During the latter period of claimant's employment, his work hours became sporadic to the point he would call in or report to see if work was available. After he last worked on July 5, he reported for work and was sent home when it was not available. The employer did not call him for work after that time.

REASONING AND CONCLUSIONS OF LAW:

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 administrative law judge concludes that the claimant was laid-off for lack of work on July 5, 2010.

The employer witness did not supervise claimant's employment. Claimant's employment separation was due to a work slow-down that is for no disqualifiable reason.

DECISION:

The decision of the department representative dated September 22, 2011, reference 06, is affirmed. The claimant's separation from employment effective July 5, 2010, is considered a lay-off. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

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