

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**RYLAN R HOWARD**  
Claimant

**SEVENTH AVENUE INC**  
Employer

**APPEAL 21A-UI-14564-DG-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/17/21  
Claimant: Respondent (1)**

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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:**

Employer filed an appeal from a decision of a representative dated June 15, 2021, (reference 03) that held claimant eligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on August 20, 2021. Employer participated by Teah Shirk, Senior Employment Coordinator. Claimant failed to respond to the hearing notice and did not participate. Employer's Exhibit 1 was admitted into evidence. The administrative law judge took official notice of the administrative record.

**ISSUE:**

The issue in this matter is whether the claimant was laid off due to a lack of work.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant was laid off work by employer because of a lack of work on May 9, 2021.

Claimant began working for employer as a part-time dock worker on July 11, 2019. Employer did not have work available to claimant beginning on May 9, 2021 through May 29, 2021. Claimant requested additional leave on or about May 27, 2021. That request was declined at that time.

Claimant is still employed by employer as of the date of this hearing. Claimant returned to work and stopped filing claims on May 30, 2021.

**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, regardless of the source of the individual's wage credits:

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 provides:

Definitions. Unless the context otherwise requires, the terms used in these rules shall have the following meaning. All terms which are defined in Iowa Code chapter 96 shall be construed as they are defined in Iowa Code chapter 96.

24.1(113) *Separations.* All terminations of employment, generally classifiable as layoffs, quits, discharges, or other separations.

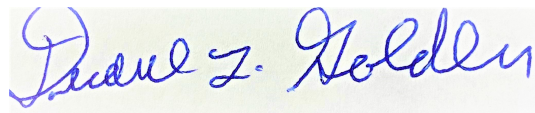
a. *Layoffs.* A layoff is a suspension from pay status initiated by the employer without prejudice to the worker for such reasons as: lack of orders, model changeover, termination of seasonal or temporary employment, inventory-taking, introduction of laborsaving devices, plant breakdown, shortage of materials; including temporarily furloughed employees and employees placed on unpaid vacations.

Claimant was laid off work May 9, 2021 through May 29, 2021. He returned to work on May 30, 2021. Therefore, the temporary separation was attributable to a lack of work by the employer. Benefits are allowed.

**Note to Claimant:** If this decision determines you are not eligible for regular unemployment insurance benefits and you disagree with this decision, you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>. If this decision becomes final, or if you are not eligible for PUA, you may have an overpayment of benefits.

#### DECISION:

The June 15, 2021, (reference 03) unemployment insurance decision is affirmed. The claimant was temporarily laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.



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Duane L. Golden  
Administrative Law Judge

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August 31, 2021  
Decision Dated and Mailed