

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JUAN GARCIA
Claimant

APPEAL NO: 14A-UI-12495-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

DE ANDA BEAN WALKERS
Employer

OC: 10/19/14
Claimant: Appellant (2)

Section 96.5(1) – Voluntary Leaving
871 IAC 24.26(19 & 22) – Voluntary Leaving

STATEMENT OF CASE:

The claimant filed a timely appeal from the November 18, 2014, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on December 19, 2014. The claimant participated in the hearing with Interpreter Anna Pottebaum. The employer did not respond to the hearing notice by providing a phone number where it could be reached at the date and time of the hearing as evidenced by the absence of a name and phone number on the Clear2There screen showing whether the parties have called in for the hearing as instructed by the hearing notice. The employer did not participate in the hearing or request a postponement of the hearing as required by the hearing notice.

ISSUE:

The issue is whether the claimant voluntarily left his employment.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time seasonal general laborer for De Anda Bean Walkers from June 2014 to October 5, 2014. The claimant's assignment ended due to a lack of work October 5, 2014. He left for a trip to Mexico on October 9, 2014 to have surgery before returning home to Chicago later. He did not make his plane reservations until being told by the employer the work would end October 5, 2014.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's separation was not disqualifying.

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 claimant accepted a seasonal assignment with the employer and completed the assignment. He was effectively laid off because the employer did not have any further work for him to do. He did not quit his job or leave before the work was completed. Under these circumstances, the administrative law judge must conclude the claimant was laid off due to the end of the season and resultant lack of work. Benefits are allowed.

DECISION:

The November 18, 2014, reference 01, decision is reversed. Benefits are allowed, provided the claimant is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

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