

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

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**WAL-MART STORES INC  
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ST LOUIS MO 63166-0283**

**Appeal Number: 05A-UI-11894-LT  
OC: 10-09-05 R: 02  
Claimant: Respondent (1)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the ***Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.***

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

**STATE CLEARLY**

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Iowa Code §96.5(1) – Voluntary Leaving – Layoff/Lack of Work

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from the November 10, 2005, reference 01, decision that allowed benefits. After due notice was issued, a hearing was held on December 8, 2005. Claimant did participate. Employer did participate through Scott Ross and Juley Imoele.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a part-time seasonal sales clerk in the lawn and garden department from March 18, 2003 through June 22, 2005 when Scott Ross, department manager, told him he was laid off due to a lack of work after claimant noticed he was no longer on the schedule. During claimant's first year of employment as a seasonal employee he worked from spring through September, not June.

He also applied for two positions on July 28 and on August 25 claimant asked Kelly, personnel manager, for an application for a different seasonal position to which Ross had referred him. She told him he could not apply because there was no work order for any hours. He also asked to apply for a part-time electronics job but department manager, Courtney, said those hours were not available and no part-time job existed in that department at that time.

#### 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 section 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.

Claimant's seasonal position ended on June 22 and no other work was available in spite of multiple applications. Therefore, the separation was attributable to a lack of work by the employer. Benefits are allowed.

#### DECISION:

The November 10, 2005, reference 01, decision is affirmed. The claimant was laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.

dml/tjc