

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOEL D MAIDA
Claimant

APPEAL NO. 12A-UI-08210-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

GH HOLDING
Employer

OC: 06/10/12
Claimant: Respondent (1/R)

871 IAC 24.1(113)a – Separations From Employment
Section 96.5-1 – Voluntary Leaving - Layoff

STATEMENT OF THE CASE:

GH Holding (employer) appealed a representative's June 29, 2012 decision (reference 01) that concluded Joel Maida (claimant) was laid off and eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for July 31, 2012. The claimant participated personally. The employer participated by Dan Bush, Owner, and Eric Hahn, Previous Owner.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on July 6, 2010, as a full-time assistant manager. The employer sold the business on May 29, 2012. The claimant worked for the new employer, No Soup For You, from May 30 through June 11, 2012.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant was laid off for lack of work from GH Holdings.

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.

871 IAC 24.1(113)a provides:

Separations. All terminations of employment, generally classifiable as layoffs, quits, discharges, or other separations.

a. Layoffs. A layoff is a suspension from pay status (lasting or expected to last more than seven consecutive calendar days without pay) 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.

The employer laid the claimant off for lack of work on May 29, 2012. When an employer suspends a claimant from work status, the separation does not prejudice the claimant. The claimant's separation was attributable to a lack of work by the employer. The claimant is eligible to receive unemployment insurance benefits so long as he is otherwise qualified.

In this case the claimant was employed by No Soup For You as of May 30, 2012. The issues of whether the claimant was able and available for work after May 29, 2012, and the issue of the claimant's separation from employment from No Soup for You are remanded for determination.

DECISION:

The representative's June 29, 2012 decision (reference 01) is affirmed. The claimant was laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible. The issues of whether the claimant was able and available for work after May 29, 2012, and the issue of the claimant's separation from employment from No Soup for You are remanded for determination.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs