

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOHN WEGESCHEIDE**  
Claimant

**APPEAL NO: 16A-UI-05773-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FRANK MILLARD & CO INC**  
Employer

**OC: 04/10/16**  
**Claimant: Appellant (2)**

Section 96 5-1 – Voluntary Leaving – Layoff  
Section 96.4-3 – Able and Available for Work

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the May 4, 2016, reference 02, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on June 7, 2016. The claimant participated in the hearing. The employer representative sent a fax indicating it did not wish to participate in the hearing. Claimant's Exhibit A was admitted into evidence.

**ISSUE:**

The issue is whether the claimant was laid off.

**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 journeyman wireman for Frank Millard & Company from June 2, 2015 to October 2, 2015. He was laid off, along with several other employees, due to a lack of work on October 2, 2015.

**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 § 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 was able and available for work with this employer but the employer did not have sufficient work effective October 2, 2015. Therefore, the separation was attributable to a lack of work by the employer. Benefits are allowed.

**DECISION:**

The May 4, 2016, reference 02, decision is reversed. The claimant was laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

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