

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARILYN MILLER
Claimant

APPEAL NO: 07A-UI-11248-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PELLA CORPORATION
Employer

OC: 10/21/07 R: 02
Claimant: Appellant (2)

871 IAC 24.1(113)a - Separation Due to Layoff

STATEMENT OF THE CASE:

Marilyn Miller (claimant) appealed an unemployment insurance decision dated November 27, 2007, reference 03, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Pella Corporation (employer) without good cause attributable to the employer. Due notice was issued scheduling the matter for a telephone hearing to be held December 19, 2007. Because both parties are in full agreement and there is no dispute of the material facts, a hearing was deemed unnecessary.

ISSUE:

The issue is whether the employer laid the claimant off work.

FINDINGS OF FACT:

The administrative law judge, having reviewed and considered all of the evidence in the record, finds that: The claimant is employed with Pella Corporation who laid her off on October 3, 2007. She was called back to work for approximately three weeks in November 2007 and then placed on lay-off again. The claimant has now returned to work full-time as of December 10, 2007.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits. All terminations of employment are generally classified as layoffs, quits, discharges or other separations. 871 IAC 24.1(113)(a). A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer or an employer has discharged the claimant for work-connected misconduct. Iowa Code sections 96.5-1 and 96.5-2-a.

The evidence establishes the claimant was laid off on October 3, 2007 and called back for three weeks in November 2007 after which she was laid off again. When an employer initiates a separation, the reasons for the separation must constitute work-connected misconduct before a claimant can be denied unemployment insurance benefits. A layoff does not constitute work-connected misconduct. The claimant's separation from employment was not due to any

misconduct on her part nor did she quit her job. The claimant is qualified to receive unemployment insurance benefits, provided she is otherwise eligible.

DECISION:

The unemployment insurance decision dated November 27, 2007, reference 03, is reversed. The claimant is qualified for unemployment insurance benefits, provided she is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs