

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

TARA HODGSON
Claimant

**BACHMEIER CARPET ONE
INTERIOR RESOURCES INC**
Employer

APPEAL NO. 14A-UI-10553-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 09/07/14
Claimant: Respondent (5)**

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

STATEMENT OF THE CASE:

Bachmeier Carpet One (employer) appealed an unemployment insurance decision dated September 30, 2014 (reference 01) which held that Tara Hodgson (claimant) was eligible for unemployment insurance benefits. Due notice was issued scheduling the matter for a telephone hearing to be held October 29, 2014. Because a decision fully favorable to the parties could be made based on the administrative record, a hearing was deemed unnecessary.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having reviewed and considered all of the evidence in the record, finds that: The claimant was hired as a part-time employee in commercial sales on August 26, 2013. The employer needed a full-time employee but the claimant was unable to work full-time so was separated from employment on September 12, 2014. There was no allegation of a discharge due to misconduct and the employer's protest indicated it was not protesting the claim. The employer only appealed the decision to reiterate that the separation was not due to misconduct.

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 §§ 96.5-1 and 96.5-2-a.

The facts of this case indicate the claimant was laid off on September 12, 2014. 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 September 30, 2014 (reference 01) is modified with no effect. The claimant is qualified for unemployment insurance benefits, provided she is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/can