

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAYNE L. TAYLOR
Claimant

APPEAL NO: 17A-UI-08027-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

WILLIAM PENN UNIVERSITY
Employer

OC: 07/16/17
Claimant: Respondent (1)

Section 96 5-1 – Voluntary Leaving – Layoff

STATEMENT OF THE CASE:

The employer filed a timely appeal from the August 1, 2017, reference 01, decision that allowed benefits to the claimant. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge, Julie Elder on August 25, 2017. The claimant participated in the hearing. Bonnie Johnson, Vice-President of Finance participated in the hearing on behalf of the employer and was represented by Attorney Tara Hall. Employer's Exhibit's One through Three were admitted into evidence.

ISSUE:

The issue is whether the claimant was laid off due to a lack of work.

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 environmental technician for William Penn University from May 1, 2001 to June 30, 2017. The employer outsourced the housekeeping and maintenance departments to Sodexo effective July 1, 2017. The employer worked closely with Sodexo in an effort to insure Sodexo kept its former employees at the same wages, hours and benefits and were successful in doing so albeit with some minor changes in the employees' benefits. The claimant chose not to accept a position with Sodexo because she was dissatisfied with its benefits and the fact she would not be able to take time off with pay until she worked for Sodexo for six months.

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, regardless of the source of the individual's wage credits:

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 reason the claimant no longer works for the employer is the fact the employer outsourced her job to Sodexo and consequently it did not have any further work for her to do. Therefore, the claimant's separation from this employer is considered a layoff attributable to a lack of work by the employer. Benefits are allowed.

Note to the parties: The administrative law judge is not remanding the issue of whether the claimant refused a suitable offer of work from Sodexo to the Claims Bureau because in order for a claimant to potentially be denied benefits for that reason, she has to have an open claim for unemployment insurance benefits *at the time the work is refused*. (Emphasis added). In this case the offer of work was made to the claimant prior to July 1, 2017, and her original claim for benefits was not made until July 16, 2017.

DECISION:

The August 1, 2017, 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn