

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**MAX B THOMASSON**  
Claimant

**APPEAL NO. 18A-UI-10203-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AADG INC**  
Employer

**OC: 09/16/18**  
**Claimant: Respondent (1)**

871 IAC 24.1(113)a – Separations From Employment  
Section 96.5-1 – Voluntary Leaving - Layoff  
Section 96.3-7 – Overpayment

**STATEMENT OF THE CASE:**

AADG (employer) appealed a representative's October 4, 2018, decision (reference 02) that concluded Max Thomasson (claimant) was 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 October 25, 2018. The claimant did not provide a telephone number for the hearing and, therefore, did not participate. The employer participated by Amanda Blankenship, Regional Human Resources Manager for Masonite. Exhibit D-1 was received into evidence.

**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 August 28, 2017, as a full-time machine operator. Masonite acquired AADG on June 1, 2018. AADG had no work for the claimant as of June 1, 2018. The claimant worked for Masonite as of June 1, 2018.

The claimant filed for unemployment insurance benefits with an effective date of October 4, 2018. The employer provided the name and number of Marcia Medly as the person who would participate in the fact-finding interview on October 3, 2018. The fact finder called Ms. Medly but she was not available. The fact finder left a voice message with the fact finder's name, number, and the employer's appeal rights. The employer did not respond to the message. The employer did not provide documents for the fact finding interview.

**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 section 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.

Iowa Admin. Code r. 871-24.1(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 as of June 1, 2018. 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. Benefits are allowed, provided the claimant is otherwise eligible.

**DECISION:**

The representative's October 4, 2018, decision (reference 02) is affirmed. The claimant was laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/rvs