

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LINDA C JANCA
Claimant

MENARD INC
Employer

APPEAL 21A-UI-03195-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/05/20
Claimant: Appellant (2)

Iowa Code § 96.5-2-a – Discharge for Misconduct
Iowa Code § 96.5-1 - Voluntary Quit
Iowa Code § 96.5-1 – Voluntary Leaving - Layoff
871 IAC 24.1(113)a – Separations From Employment

STATEMENT OF THE CASE:

Linda Janca (claimant) appealed a representative's January 6, 2021, decision (reference 01) that concluded ineligibility to receive unemployment insurance benefits due to voluntarily quitting with the Menard (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for March 18, 2021. The claimant participated personally and through her former supervisor Brenda Parkhurst. The employer did not provide a telephone number where it could be reached and therefore, did not participate in the hearing. The administrative law judge took official notice of the administrative file.

ISSUE:

The issues include 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 November 14, 2019, as a part-time administrative assistant. When she was hired, she was offered work at either the Menard's store in Council Bluffs, Iowa, or the Mall of the Bluffs in Council Bluffs, Iowa. She was assigned to work at the Mall of the Bluffs in Council Bluffs, Iowa.

On April 10, 2020, the employer notified the supervisor that it would be the claimant and supervisor's last day of work. No other work was offered to the claimant at the time of her separation. The employer separated the claimant from employment because the Mall of the Bluffs in Council Bluffs, Iowa, closed on April 10, 2020.

The claimant filed for unemployment insurance benefits with an effective date of April 5, 2020. Her weekly benefit amount was determined to be \$106.00. The claimant received benefits of \$106.00 per week from April 12, 2020, to the week ending April 25, 2020. This is a total of

\$212.00 in state unemployment insurance benefits after April 5, 2020. She also received \$1,200.00 in Federal Pandemic Unemployment Compensation for the two weeks ending April 25, 2020.

REASONING AND CONCLUSIONS OF LAW:

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:

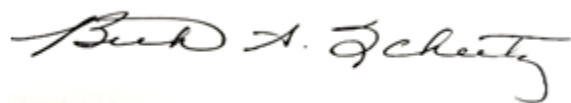
Separations. All terminations of employment, generally classifiable as layoffs, quits, discharges, or other separations.

a. Layoffs. A layoff is a suspension from pay status 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 April 10, 2020. 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. The work location closed. It did not offer the claimant work at the employer's other location. Benefits are allowed as of April 12, 2020, provided the claimant is otherwise eligible.

DECISION:

The representative's January 6, 2021, decision (reference 01) is reversed. The claimant was laid off due to a lack of work. Benefits are allowed as of April 12, 2020, provided the claimant is otherwise eligible.



Beth A. Scheetz
Administrative Law Judge

March 19, 2021
Decision Dated and Mailed

bas/lj