

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CORY G PESTOTNIK
Claimant

DANFOSS POWER SOLUTIONS (US) COMP
Employer

APPEAL 16A-UI-08799-NM-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 11/22/15
Claimant: Appellant (2)**

Iowa Code § 96.5(1) – Voluntary Quitting – Layoff Due to Lack of Work
Iowa Admin. Code r. 871-24.1(113) – Definitions – Separations

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 4, 2016, (reference 01) unemployment insurance decision that denied benefits based upon his voluntary quit. The parties were properly notified of the hearing. A telephone hearing was held on August 30, 2016. The claimant Cory Pestotnik participated and testified. The employer DanFoss Power Solutions did not participate.

ISSUE:

Was the claimant temporarily 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: Claimant was employed full time as a team coordinator from January 31, 2012, until he was temporarily laid off on July 1, 2016.

A week or two prior to July 1, 2016, all employees in claimant's department were notified that beginning July 1, the plant would be shutting down due to lack of work and would not reopen until after July 8, 2016. Claimant's layoff began on July 1, 2016 at 10:00 a.m. and lasted through the entire work day on July 8, 2016. Claimant has since returned to work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was temporarily laid off due to a lack of work.

Iowa Code §96.5(1) provides:

An individual shall be disqualified for benefits:

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.

Claimant was temporarily laid off for a summer shut down from 10:00 a.m. on July 1, 2016, through Friday, July 8, 2016. Therefore, the temporary separation was attributable to a lack of work by the employer. Benefits are allowed.

DECISION:

The August 4, 2016, (reference 01) unemployment insurance decision is reversed. The claimant was temporarily laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.

Nicole Merrill
Administrative Law Judge

Decision Dated and Mailed

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