

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

WILLIE J MCWILLIAMS
1124 – 18TH AVE
ROCK ISLAND IL 61201

JONES TIRE SERVICE INC
13529 110TH AVE
PO BOX 4051
DAVENPORT IA 52808-4051

Appeal Number: 04A-UI-00649-SWT
OC 11/16/03 R 04
Claimant: Respondent (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

871 IAC 24.1(113) - Layoff

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated January 12, 2004, reference 02, that concluded the claimant was laid off due to lack of work. A telephone hearing was held on February 10, 2004. The parties were properly notified about the hearing. The claimant participated in the hearing. James Jones participated in the hearing on behalf of the employer with witnesses, Fran Panther and Ray Jones.

FINDINGS OF FACT:

The claimant worked full time for the employer as a laborer-helper from October 2002 to February 2003. In February 2003, the owner of the business, James Jones, informed the claimant that business was slow and he was going to have to lay him off. The claimant mentioned to Jones that since he was going to be off work, he was going to have some minor

surgery done on his shoulder. The claimant filed a claim for unemployment insurance benefits in Illinois after he was laid off.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law provides for a disqualification for claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code Sections 96.5-1 and 96.5-2-a. An employee who is laid off due to lack of work is qualified to receive unemployment insurance benefits. 871 IAC 24.1(113). The findings of fact show how I resolved the disputed factual issues in this case by carefully assessing of the credibility of the witnesses and reliability of the evidence and by applying the proper standard and burden of proof. The claimant testified credibly that he was informed that work was slow and he was being laid off and would not have applied for benefits if he had quit his job. The preponderance of the evidence does not establish that the claimant quit his job.

DECISION:

The unemployment insurance decision dated January 12, 2004, reference 02, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

saw/kjf