

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LINDA L HOOD
Claimant

APPEAL NO. 14A-UI-08992-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

TAHER INC
Employer

OC: 06/01/14
Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Leaving - Layoff

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 28, 2014 (reference 01) unemployment insurance decision that denied benefits. After due notice was issued a hearing was held on September 17, 2014. The claimant did participate. The employer did not participate.

ISSUES:

Is the claimant able to and available for work?

Was she temporarily laid off?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was initially hired to work on-call or as-needed but in November 2013 took over a permanent position. The employer is not an educational institution; it is a food service company. Some of the employer's customers are educational institutions but this employer's primary business is food service. On June 1, 2014 the claimant was laid off due to lack of work when one of the employer's customers ceased operations for a period of time. The claimant returned to work in August 2014. The claimant was not working from June to August due to a layoff due to lack of work. Since she became a full-time employee in November 2013 the employer did not have the same hours and wages available for her from June 2014 to August 2014.

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:

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 claimant was willing and able to work all hours available to her, but the employer did not have any work for her from June 2014 to August 2014. Therefore, the separation was attributable to a lack of work by the employer. Benefits are allowed.

DECISION:

The August 28, 2014 (reference 01) decision is reversed. The claimant was laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/can