

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

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MANPOWER INTERNATIONAL INC
MANPOWER TEMPORARY SERVICES
C/O TALX UC EXPRESS
PO BOX 66864
ST LOUIS MO 63166-6864

Appeal Number: 05A-UI-02832-SWT
OC: 07/25/04 R: 01
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)a - Layoff

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated March 8, 2005, reference 06, that concluded the claimant's discharge was not for work-connected misconduct. A telephone hearing was held on April 7, 2005. The parties were properly notified about the hearing. The claimant participated in the hearing. Erasmo Lopez participated in the hearing on behalf of the employer with a witness, Nancy Ertz.

FINDINGS OF FACT:

The claimant began working for Premium Protein Products in August 2004. In December 2004, the employer, Manpower Temporary Services, took over all of the payroll functions for production workers and became the employer of record for the claimant. The claimant had been off work for medical reasons but returned to work for the employer on December 14,

2004. She worked until January 6, 2005, when a supervisor informed her that she was laid off due to lack of work. The claimant has not been recalled to work.

The claimant reopened her claim for unemployment insurance benefits with an effective date of January 2, 2005. The claimant did not file for unemployment insurance benefits while she was off work for medical reasons.

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. On the other hand, workers who are laid off to the lack of work are qualified to receive unemployment insurance benefits, provided they are otherwise eligible. 871 IAC 24.1(113)a.

The claimant is qualified to receive unemployment insurance benefits based upon her layoff due to lack of work. She was not drawing unemployment benefits while she was off work due to medical reasons.

DECISION:

The unemployment insurance decision dated March 8, 2005, reference 06, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

saw/sc