

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RUSSELL D ROBINSON
Claimant

APPEAL NO. 08O-UI-00991-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AMERICANA COMPANIES INC
Employer

**OC: 08/12/07 R: 01
Claimant: Appellant (2)**

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Russell Robinson, filed an appeal from a decision dated November 28, 2008, reference 03. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on February 12, 2008. The claimant participated on his own behalf. The employer, Americana Companies, did not provide a telephone number where a representative could be contacted and did not participate.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Russell Robinson began employment with Americana Companies in March 2006 as a full-time preventative maintenance worker. He asked his supervisor in November 2007 if he could have time off to deal with family problems and the supervisor agreed to put him on “temporary lay off.” Mr. Robinson put down on his original claim in August 2007 and the additional claim in November 2007 he had quit, which created the confusion and the representative’s decision in this case.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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.

The claimant maintains he was temporarily laid off and only recently called back to work. The “lay off” was actually made at his request for personal reasons but the employer did not participate in the hearing to contest the claimant’s explanation of events. The record establishes he was laid off, which is not a disqualifying separation.

DECISION:

The representative's decision of November 28, 2007, reference 03, is reversed. Russell Robinson is qualified for benefits, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw