

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RONALD E JANSEN
Claimant

APPEAL NO. 09A-UI-03394-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

J KUBITZ TRUCKING LLC
Employer

**OC: 01/11/09
Claimant: Appellant (2)**

871 IAC 24.1(113)a - Layoff

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated March 3, 2009, reference 03, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on March 30, 2009. The parties were properly notified about the hearing. The claimant participated in the hearing. No one participated in the hearing on behalf of the employer.

ISSUE:

Was the claimant laid off due to lack of work?

FINDINGS OF FACT:

The claimant worked for the employer as a log truck driver from February 2007 to June 19, 2008. Jeremy Kubitz, the owner of the business, was the claimant's supervisor.

On June 19, 2008, Kubitz met with the claimant to give him his paycheck. Kubitz told the claimant that he did not need the claimant at that time. The claimant called Kubitz a couple of times afterward about work, but Kubitz told him there was no work available.

Jeremy Kubitz had provided a telephone number for the hearing but was not available at that number at the scheduled time of the hearing. He called at 9:10 a.m. after the hearing had concluded and explained that he had gotten tied up with some other workers and missed the call.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code § 96.5-1 and 96.5-2-a. On the other hand, a claimant who is laid off due to the employer's lack of work is qualified to receiving benefits. 871 IAC 24.1(113)a.

The evidence establishes the claimant did not quit employment and was not discharged due to misconduct; instead, he was laid off on June 19, 2008, due to lack of work.

DECISION:

The unemployment insurance decision dated March 3, 2009, reference 03, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css