

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MOHAMMEDSALIH A MOHAMMED
Claimant

ABM LTD
Employer

APPEAL 14R-UI-08612-LT
**ADMINISTRATIVE LAW JUDGE
DECISION**

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

Iowa Code § 96.5(1) – Voluntary Quitting – Layoff Due to Lack of Work
Iowa Admin. Code r. 871-24.1(113) – Definitions – Separations

STATEMENT OF THE CASE:

The claimant filed an appeal from the June 24, 2014, (reference 01) unemployment insurance decision that denied benefits based upon voluntarily quitting the employment. The parties were properly notified about the hearing. A telephone hearing was held on September 9, 2014. Claimant participated through interpreter Michael Berhane. Employer participated through human resource manager Greg Stearns.

ISSUE:

Was the claimant laid off due to a lack of work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as a janitor working at Wells Fargo Home Mortgage headquarters in West Des Moines at \$8.50 per hour, and was separated from employment on April 30, 2014. That job ended when the employer lost the account. Stearns offered him employment to continue at a different worksite in Urbandale at \$8.00 per hour. The schedule was very similar and the number of hours remained the same at 40 per week. Claimant's average weekly wage (AWW) is \$316.56. He did not have a claim as of the separation date. His original claim (OC) date is effective June 1, 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 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's job working at Wells Fargo ended because the employer lost the contract. Therefore, the separation was attributable to a lack of work by the employer. Benefits are allowed. While unemployed, claimant must make at least two work searches per week.

DECISION:

The June 24, 2014, (reference 01) unemployment insurance decision is reversed. The claimant was laid off due to a lack of work. Benefits are allowed, provided he is otherwise eligible. The refusal of work at the Urbandale location will not be remanded for two reasons. First, claimant had no unemployment insurance benefits claim on file at the time the offer was made so the Agency has no jurisdiction. Secondly, even if the Agency had jurisdiction, the wage offered did not meet the AWW requirement to be considered suitable work.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/css