

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**ANTHONY L WEYHTAUCH**  
Claimant

**APPEAL NO: 18A-UI-04735-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MCANINCH CORP**  
Employer

**OC: 01/07/18  
Claimant: Respondent (1R)**

Section 96 5-1 – Voluntary Leaving – Layoff

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the April 19, 2018, reference 03, decision that allowed benefits to the claimant. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on May 9, 2018. The claimant participated in the hearing. Ronda Wheeler, Payroll Administrator, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the claimant was laid off.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time seasonal laborer for McAninch Corporation from April 20, 2017 to December 22, 2017. He was laid off December 22, 2017. The claimant attended a training session January 4, 2018. The employer held a mandatory meeting April 2, 2018, before returning employees to work. The claimant did not attend the meeting. The employer determined the claimant voluntarily quit his job.

The issue of whether the claimant refused a suitable offer of work from the employer has not been heard or adjudicated by the Claims Bureau.

**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, regardless of the source of the individual's wage credits:

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 was laid off due to a lack of work December 22, 2017. Therefore, the separation was attributable to a lack of work by the employer. Benefits are allowed.

The issue of whether the claimant refused a suitable offer of work from the employer is remanded to the Claims Bureau for an initial investigation and determination.

**DECISION:**

The April 19, 2018, reference 03, decision is affirmed. The claimant was laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible. The issue of whether the claimant refused a suitable offer of work from the employer is remanded to the Claims Bureau for an initial investigation and determination.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/scn