

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PAULETTE LAGERQUIST
Claimant

APPEAL NO. 11A-UI-00434-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HR SERVICE GROUP
Employer

OC: 11/07/10
Claimant: Respondent (1)

871 IAC 24.1(113)a - Separation Due to Layoff

STATEMENT OF THE CASE:

HR Service Group (employer), doing business as Senior Helpers, appealed an unemployment insurance decision dated December 30, 2010, reference 01, which held that Paulette Lagerquist (claimant) was eligible for unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 16, 2011. The claimant participated in the hearing. The employer participated through Barbara Woods, Vice President. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant is unemployed as the result of a layoff.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was employed as a part-time caregiver from October 17, 2008 through October 8, 2010. The employer provides personal companions or caregivers to elderly clients. The claimant cared for two elderly clients who died. Her last day of employment was when she substituted for another employee's client. There were no additional assignments at the time of the claimant's separation.

The employer contends it offered the claimant a position on December 1, 2010 and she declined since she already had a job. The claimant disputes the date but does admit the employer offered her an additional assignment in November 2010. She took a position with Express Personnel on November 23, 2010.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits. All terminations of employment are generally classified as layoffs, quits, discharges, or other separations. 871 IAC 24.1(113)(a). A

claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer or an employer has discharged the claimant for work-connected misconduct. Iowa Code §§ 96.5-1 and 96.5-2-a.

The evidence establishes the claimant was laid off on October 8, 2010. When an employer initiates a separation, the reasons for the separation must constitute work-connected misconduct before a claimant can be denied unemployment insurance benefits. A layoff does not constitute work-connected misconduct. The claimant's separation from employment was not due to any misconduct on her part nor did she quit her job. The claimant is qualified to receive unemployment insurance benefits, provided she is otherwise eligible.

DECISION:

The unemployment insurance decision dated December 30, 2010, reference 01, is affirmed. The claimant is qualified for unemployment insurance benefits, provided she is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/kjw