

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**BRIAN S LEMING  
21370 CR 1500 N  
HAVANA IL 62644**

**BLACKHAWK FLEET INC  
2117 STATE ST STE G50  
BETTENDORF IA 52722**

**Appeal Number: 06A-UI-02167-H2T  
OC: 12-11-05 R: 12  
Claimant: Respondent (1)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Leaving - Layoff

STATEMENT OF THE CASE:

The employer filed a timely appeal from the February 15, 2006, reference 01, decision that allowed benefits. After due notice was issued, a hearing was held on March 13, 2006. The claimant did participate. The employer did participate through Dan Sorensen, Manager Vessel Operations.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a captain full time beginning June 18, 2004 through January 27, 2006 when he voluntarily quit.

The claimant called the employer while he was on layoff on January 27, 2006 and told him he was quitting to accept other employment. The claimant has since begun working for another employer. From December 2005 through January 27, 2006 when he quit, the claimant was not working due to lack of work from the employer.

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 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 was laid off in December 2005 and did not work until he quit to accept other employment beginning on January 30, 2006. The claimant is entitled to unemployment insurance benefits during the period he was laid off. The claimant has not made a weekly claim for benefits since January 28, 2006. Therefore, the separation was attributable to a lack of work by the employer. Benefits are allowed.

DECISION:

The February 15, 2006, reference 01, decision is affirmed. The claimant was laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.

tkh/kkf