

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LACRESHA V PACE
Claimant

APPEAL NO. 13A-UI-09383-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CBS STAFFING LLC
Employer

OC: 07/07/13
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Leaving – Layoff

STATEMENT OF THE CASE:

Claimant filed a timely appeal from a representative's decision dated August 5, 2013, reference 01, which denied unemployment insurance benefits finding that the claimant left work voluntarily without good cause. After due notice was provided, a telephone hearing was held on August 29, 2013. The claimant participated. Although duly notified, the employer did not participate.

ISSUE:

At issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Lacresha Pace began employment with CBS Staffing, LLC in July 2012. The claimant was most recently assigned to work as a certified nursing assistant at the Story County Long Term Care facility on approximately August 1, 2012. On September 13, 2012, Ms. Pace unexpectedly became ill and was hospitalized. Ms. Pace notified the temporary employment service of her illness and inability to report for work and informed them also that she had been hospitalized. Upon being released from her hospitalization and verified medically as able to return to work, Ms. Pace attempted to return to her employment with CBS Staffing but was not assigned to any additional job assignments through the staffing company. Although the claimant did not quit her employment with CBS Staffing it appears that the company removed her name from the employment rolls on or about November 23, 2012 because they did not have work available for her in her geographic area.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant was laid off due to 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 did not quit employment but instead was released by CBS Staffing, LLC on or about November 23, 2012 because the employer did not have work for the claimant in her geographic area. The separation was attributable to lack of work by the employer. Benefits are allowed providing the claimant is otherwise eligible.

DECISION:

The representative's decision dated August 5, 2013, reference 01, is reversed. The claimant was laid off due to lack of work. Benefits are allowed, providing the claimant is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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