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

FLOYD L BROOKS
Claimant

APPEAL NO. 14A-UI-05722-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HEARTLAND EXPRESS INC OF IOWA
Employer

**OC: 04/06/14
Claimant: Appellant (2)**

871 IAC 24.1(113) – Layoff

STATEMENT OF THE CASE:

Floyd Brooks filed a timely appeal from the May 19, 2014, reference 01, decision that disqualified him for benefits and that relieved the employer of liability for benefits based on an Agency conclusion that Mr. Brooks had voluntarily quit without good cause attributable to the employer on March 25, 2014. After due notice was issued, a hearing was held on June 26, 2014. Mr. Brooks participated. The employer did not respond to the hearing notice instructions to provide a telephone number for the hearing and did not participate. The hearing in this matter was consolidated with the hearing in Appeal No. 14A-UI-05723-JTT. Exhibit A was received into evidence. The administrative law judge took official notice of the Agency's administrative record of benefits disbursed to the claimant.

ISSUE:

Whether Mr. Brooks separated from the employment for a reason that disqualifies him for unemployment insurance benefits or that relieves the employer of liability for benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Floyd Brooks was employed by Heartland Express Inc. of Iowa as a full-time over-the-road truck driver for several years and last performed work for the employer on June 8, 2014. Mr. Brooks then commenced an approved leave of absence that was based on a workplace injury. Upon being released by a doctor to return to work, Mr. Brooks contacted the employer on March 25, 2014 and requested to return to work. The employer declined to make work available for Mr. Brooks. Mr. Brooks had a not, at any time, expressed an intent to sever the employment relationship.

REASONING AND CONCLUSIONS OF LAW:

Iowa Workforce Development rule 871 IAC 24.1(113)(a) provides as follows:

> 24.1(113) 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.

A leave of absence negotiated with the consent of both parties, employer and employee, is deemed a period of voluntary unemployment for the employee-individual, and the individual is considered ineligible for benefits for the period. 871 IAC 24.22(2)(j). If at the end of a period of negotiated leave of absence the employer fails to reemploy the employee-individual, the individual is considered laid off and eligible for benefits. 871 IAC 24.22(2)(j)(1). On the other hand, if the employee-individual fails to return at the end of the leave of absence and subsequently becomes unemployed the individual is considered as having voluntarily quit and therefore is ineligible for benefits. 871 IAC 24.22(2)(j)(2).

Mr. Brooks attempted to return to the employment at the end of an approved leave of absence, after a doctor had released him to return to the employment. The employer declined to provide further work. Mr. Brooks was laid off effective March 25, 2014 when the employer declined to return him to his previous duties. Mr. Brooks is eligible for benefits, provided he is otherwise eligible. The employer's account may be charged.

DECISION:

The Claims Deputy's May 19, 2014, reference 01, decision is reversed. The claimant was laid off effective March 25, 2014 when the employer declined to return him to his previous duties. The claimant is eligible for benefits, provided he is otherwise eligible. The employer's account may be charged.

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James E. Timberland
Administrative Law Judge

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Decision Dated and Mailed

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