

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ROBERT R HENTRICH
Claimant

APPEAL 18A-UI-00159-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

BEHNKE ENTERPRISES INC
Employer

**OC: 12/17/17
Claimant: Respondent (1)**

Iowa Code § 96.5(1) – Voluntary Quitting – Layoff Due to Lack of Work
Iowa Admin. Code r. 871-24.1(113) – Definitions – Separations

STATEMENT OF THE CASE:

The employer filed an appeal from the January 2, 2018, (reference 01) unemployment insurance decision that allowed benefits based upon a determination that claimant was laid off due to a lack of work. The parties were properly notified of the hearing. A telephone hearing was held on January 30, 2018. The claimant, Robert R. Hentrich, participated. The employer, Behnke Enterprises, Inc., participated through Margie Behnke, Office Manager. The administrative law judge took official notice of the administrative record.

ISSUE:

Was claimant laid off by the employer due to a lack of work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time, most recently as a welder, from October 17, 2005, until October 14, 2016, when he was laid off due to a lack of work. The employer could not recall whether any other employees were laid off at that time. Claimant was never recalled to work by the employer. The administrative record reflects that claimant has received unemployment benefits in the amount of \$2,648.00, since filing a claim with an effective date of December 17, 2017, for the six weeks ending January 27, 2018.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant was laid off due to a lack of work.

Iowa Admin. 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.

Iowa Admin. Code r. 871-24.1(113)a provides:

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.

In this case, the employer laid off claimant due to a lack of work. Claimant's separation was due to the employer's lack of work for him and not due to any misconduct. Therefore, benefits are allowed, provided claimant is otherwise eligible. Because claimant's separation from this employer is not disqualifying, the issues of overpayment, repayment, and chargeability are moot.

DECISION:

The January 2, 2018, (reference 01) unemployment insurance decision is affirmed. Claimant was laid off due to a lack of work. Benefits are allowed, provided he is otherwise eligible. The issues of overpayment, repayment, and chargeability are moot.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed

lj/scn