

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHAWNA D PORTER
Claimant

APPEAL NO. 12A-UI-07279-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

COUNCIL BLUFFS PAYROLL COMPANY
Employer

OC: 05/20/12
Claimant: Appellant (2)

Section 96.4-3 – Able and Available
871 IAC 24.23(10) – Leave of Absence

STATEMENT OF THE CASE:

The claimant filed an appeal from a representative's decision dated June 19, 2012, reference 01, which held that the claimant was not eligible to receive unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for July 12, 2012. Neither party responded to the hearing notice. The claimant did call in after the time of the scheduled hearing. The record is based on the information provided by the claimant in her late call and agency records concerning the payment of benefits in this case.

ISSUE:

Whether the claimant is able and available for work.

FINDINGS OF FACT:

The administrative law judge, having considered all of the evidence in the record, makes the following findings of fact:

The claimant is a full time employee of the employer. The employer had a plant-wide shut down for the week beginning May 20, 2012. The claimant was on temporary layoff. The claimant applied for and received one week of unemployment insurance benefits in the amount of \$365.00.

REASONING AND CONCLUSIONS OF LAW:

871 IAC 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 (lasting or expected to last more than seven consecutive calendar days without pay) 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.

The evidence in this case established that the claimant did not request a leave of absence. She was placed on temporary layoff by her employer. The claimant is therefore able and available for work and eligible for benefits for the week ending May 26, 2012.

DECISION:

The decision of the representative dated June 19, 2012, reference 01, is reversed. The claimant is able and available for work and eligible for benefits for the week ending May 26, 2012.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/kjw