

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**ERIC HEMPHILL**  
Claimant

**APPEAL 21A-UI-01175-SN-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ACKERMAN INVESTMENT CO**  
Employer

**OC: 09/13/20**  
**Claimant: Respondent (1)**

Iowa Code § 96.5(1) – Voluntary Quit  
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment  
Iowa Admin. Code r. 871-24.10 – Recovery of Benefit Overpayment

**STATEMENT OF THE CASE:**

The employer filed an appeal from the December 9, 2020, (reference 01) unemployment insurance decision that denied benefits based upon his voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on February 16, 2021. The claimant participated and testified. The employer participated through General Manager Brian Bocken. The administrative law judge took official notice of the administrative records.

**ISSUE:**

1. Was the separation a layoff, discharge for misconduct or voluntary quit without good cause attributable to the employer?
2. Was the claimant overpaid regular unemployment insurance benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

The claimant was employed part-time as a housekeeper from January 26, 2020, until he separated from employment on March 14, 2020, when he was laid off. His immediate supervisor was Head of Housekeeping Melissa (unknown).

On March 14, 2020, the claimant was laid off by the employer due to the economic downturn in the wake of Covid19.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant was separated from employment due to a layoff. Since the claimant is eligible for benefits, the overpayment issue is moot.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

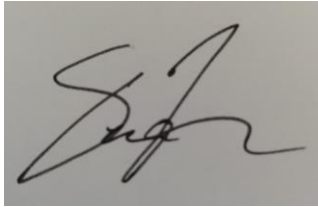
The claimant did not quit. The parties agree the claimant was laid off due to lack of work. The employer appealed the decision below because it contends this claim is properly evaluated as a Pandemic Unemployment Assistance (PUA) claim. Benefits are granted.

While the employer is correct that PUA is aligned towards unemployment caused by the Covid19 pandemic, it is incorrect that relieves the employer of charges for any unemployment caused by Covid19.

**DECISION:**

The December 9, 2020, (reference 01) unemployment insurance decision is affirmed. The claimant was separated from employment due to a layoff. Benefits are granted. Since benefits are granted, the overpayment issue is moot.

*Note to the employer:* For more information regarding eligibility criteria, the following website is Iowa Workforce Development's website that describes PUA, <https://www.iowaworkforcedevelopment.gov/pua-information>.



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February 26, 2021  
Decision Dated and Mailed

smn/lj