

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MARGARITA MERAZ Claimant USA STAFFING INC LABOR WORLD OF IOWA Employer	<div>68-0157 (9-06) - 3091078 - EI</div> <div>APPEAL NO: 12A-UI-03103-ST</div> <div>ADMINISTRATIVE LAW JUDGE DECISION</div> <div>OC: 01/01/12 Claimant: Appellant (2)</div>
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871 IAC 24.1(113)a – Lay-off

STATEMENT OF THE CASE:

The claimant appealed a department decision dated March 23, 2012, reference 01, that held she voluntarily quit employment without good cause on November 28, 2011, and benefits are denied. A telephone hearing was held on April 10, 2012. The claimant, Interpreter Celia Haunte, and Attorney, James Larsen, participated. The employer did not participate. Claimant Exhibit A was received as evidence.

ISSUE:

The issue is whether the claimant was laid-off from work.

FINDINGS OF FACT:

The administrative law judge having considered the evidence in the record, finds: The claimant began working a seasonal job for the employer on August 8, 2011, and last worked for the employer on November 25, 2011. The claimant completed her work when the harvest was concluded. She was not offered further work by the employer though she was available to do so. The claimant stipulated she was laid-off for lack of work.

The employer failed to respond to the hearing notice.

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 administrative law judge concludes the claimant was laid-off for lack of work when her harvest job was completed on November 25, 2011. Benefits are allowed, provided claimant is otherwise eligible.

The employer did not participate in this hearing and offer evidence about claimant failing to notify it of further work.

DECISION:

The department decision dated March 23, 2012, reference 01, is reversed. The claimant was laid-off for lack of work on November 25, 2011. Benefits are allowed, provided claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

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