

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RYAN W KIRK
Claimant

APPEAL NO. 07A-UI-02949-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PELLA CORPORATION
Employer

**OC: 02/11/07 R: 03
Claimant: Appellant (2)**

871 IAC 24.1(113)a - Layoff

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated March 14, 2007, reference 01, that concluded he had voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on April 9, 2007. The parties were properly notified about the hearing. The claimant participated in the hearing. Rick Carter participated in the hearing on behalf of the employer with witnesses, David Monier and Nathan Eigmy.

ISSUE:

Was the claimant laid off due to lack of work?

FINDINGS OF FACT:

The claimant worked for the employer from April 14, 2005, to February 8, 2007. The employee laid the claimant off due to lack of work for flex employees like the claimant.

The claimant had applied and been accepted for a job with Vermeer Company, but the job was not to start until the week of February 19. The claimant filed a new claim for unemployment insurance benefits with an effective date of February 11, 2007, and filed one weekly claim for the week ending February 17.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law provides for a disqualification for claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code § 96.5-1 and 96.5-2-a. In this case, the claimant was not discharged for misconduct and did not voluntarily quit employment. Instead, his separation from employment was due to lack of work. See 871 IAC 24.1(113)a. The claimant is qualified to receive unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated March 14, 2007, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css