

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**JOSH M HORTON**  
Claimant

**C & L TILING INC**  
Employer

**APPEAL 19A-UI-03244-CL-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/17/19**  
**Claimant: Appellant (2R)**

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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 claimant filed an appeal from the April 15, 2019, (reference 01) unemployment insurance decision that denied benefits based upon a separation from employment. The parties were properly notified about the hearing. A telephone hearing was held on May 8, 2019. Claimant participated. Employer participated through production manager/human resource manager/office manager Theresa Newkirk.

**ISSUE:**

Did claimant voluntarily quit the employment with good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on September 24, 2014. Claimant last worked as a full-time quality assurance employee. Claimant was separated from employment on March 15, 2019, when he was laid off due to lack of work.

On March 13, 2019, the plant manager told claimant that employer was laying him off due to lack of work.

March 15, 2019, was claimant's last day of work.

A few days later, employer informed claimant the layoff was permanent.

Claimant is currently categorized in group code 3, which means the agency considers him temporarily unemployed and does not require him to search for work in order to receive benefits.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant was separated from employment for no disqualifying reason.

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 employer did not have work available for claimant. Therefore, the separation was attributable to a lack of work by the employer. Benefits are allowed.

Because claimant is permanently laid off from work, he should be coded as a group code 6 employee, and required to make two work searches per week during each week benefits are claimed.

**DECISION:**

The April 15, 2019, (reference 01) unemployment insurance decision is reversed. The claimant was laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.

**REMAND:**

This matter is remanded to the Benefits Bureau of Iowa Workforce Development to change claimant's group code to "6," which will require claimant to make two work searches per week in order to receive benefits.

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Christine A. Louis  
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Decision Dated and Mailed

cal/scn