

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DORIE D HANSELL
Claimant

APPEAL NO. 10A-UI-14677-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

MIDWEST PERFECTION
Employer

OC: 08/29/10
Claimant: Respondent (1)

871 IAC 24.1(113)a – Separations From Employment
Section 96.5-1 – Voluntary Leaving - Layoff

STATEMENT OF THE CASE:

Midwest Perfection (employer) appealed a representative's October 13, 2010 decision (reference 01) that concluded Dorie Hansell (claimant) was discharged and there was no evidence of willful or deliberate misconduct. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for December 15, 2010. The claimant participated personally. The employer participated by Terry Fitzgerald, Owner, and Takudzwa Maturure, Dental Technician.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on October 19, 2002, as a full-time model and dye person. The employer's business slowed down due to the economy. In January 2009, the employer started to reduce the claimant's hours. By August 2009, the claimant was working fewer than eight hours in two weeks.

In late August 2009, the claimant told the employer she was filing for partial unemployment insurance benefits. The employer told the claimant he would fight her on the issue. The claimant continued to work through September 19, 2009. The employer did not have work available for the claimant after September 19, 2009.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was laid off due to a lack of work.

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

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.

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 employer laid the claimant off for lack of work on September 19, 2009. When an employer suspends a claimant from work status for a period of time, the separation does not prejudice the claimant. The claimant's separation was attributable to a lack of work by the employer. The claimant is eligible to receive unemployment insurance benefits as of September 19, 2009.

DECISION:

The representative's October 13, 2010 decision (reference 01) is affirmed. The claimant is eligible to receive unemployment insurance benefits based on her layoff for lack of work.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs