

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBERT WRIGHT
Claimant

APPEAL NO: 14A-UI-04425-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

REMEDY INTELLIGENT STAFFING INC
Employer

OC: 04/06/14
Claimant: Respondent (1-R)

Section 96 5-1 – Voluntary Leaving – Layoff

STATEMENT OF THE CASE:

The employer filed a timely appeal from the April 23, 2014, reference 01, decision that allowed benefits to the claimant. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on May 19, 2014. The claimant participated in the hearing. Nate Castillo, Senior Staffing Consultant, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant was laid off.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time production worker for Remedy Intelligent Staffing last assigned to Millard Refrigeration from October 17, 2013 to January 10, 2014. He was notified by Senior Staffing Consultant Nate Castillo that the assignment was ending January 10, 2014, due to a lack of work because of a scheduled shutdown of the Millard Refrigeration plant. The call back date was uncertain.

There are issues regarding offers of work made to the claimant by the employer and whether the claimant was able and available for work during the period of time his mom was ill and then passed away as well as the claimant's own two-week hospitalization that have not yet been investigated and adjudicated by the Claims Section.

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.

The claimant was laid off when the Millard Refrigeration plant was temporarily shut down January 10, 2014. Therefore, the separation was attributable to a lack of work by the employer and benefits must be allowed.

DECISION:

The April 23, 2014, reference 01, decision is affirmed. The claimant was laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible. The issues of whether the claimant refused suitable offers of work and whether the claimant was able and available for work during the period of time his mom was ill and then passed away, as well as during the claimant's own two-week hospitalization, are remanded to the Claims Section for an initial investigation and adjudication.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

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