

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ANTHONY MAEWEATHER
Claimant

APPEAL NO. 14A-UI-08016-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BRIDGESTONE AMERICAS TIRE
Employer

OC: 06/29/14
Claimant: Appellant (4)

871 IAC 24.1(113)a – Separation Due to Layoff
Iowa Code § 96.4-3 – Able and Available for Work
Iowa Code § 96.5(2)(a) – Discharge for Misconduct

STATEMENT OF THE CASE:

Anthony Maeweather (claimant) appealed an unemployment insurance decision dated July 24, 2014 (reference 02) which held that he was not eligible for unemployment insurance benefits because he was still employed at the same hours and wages as in his original contract of hire with Bridgestone Americas Tire (employer) employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 4, 2014. The claimant participated in the hearing. The employer participated through Jim Funcheon, Division Human Resources Manager.

ISSUES:

The issues are whether the claimant is still employed at the same hours and wages as in his original contract of hire, whether he was laid off work, and whether he was discharged for work-related misconduct.

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 as a full-time production worker on April 8, 2013 and the employer had a temporary production shut down from July 2, 2014 through July 10, 2014. He worked and was paid for 12 hours on June 29, 2014; was paid 12 hours of vacation pay for July 3, 2014, and received holiday pay for July 4, 2014. The claimant received a check in the amount of \$576.03 for the week ending July 5, 2014. He was paid 12 hours of vacation pay for both July 7 and July 8, 2014 and he worked July 11 and 12, 2014. For the week ending July 12, 2014 he received a paycheck in the amount of \$694.32.

The claimant worked regular hours through his last day on July 27, 2014 and was paid \$210.00 for the week ending August 2, 2014. He was discharged on July 30, 2014 for not performing work to his employer's satisfaction. The employer did not contest the claimant's separation and a decision was issued on September 4, 2014 (reference 04) which allowed benefits based on the separation.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. All terminations of employment are generally classified as layoffs, quits, discharges or other separations. 871 IAC 24.1(113)(a). A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer or an employer has discharged the claimant for work-connected misconduct. Iowa Code §§ 96.5-1 and 96.5-2-a.

The evidence establishes the claimant was laid off from July 2, 2014 through July 10, 2014. He would be eligible for benefits during that time frame except that he received wages, holiday, and vacation pay which exceeded his weekly benefit amount for that same time frame. The claimant was subsequently discharged on July 30, 2014 without evidence of misconduct and qualifies for unemployment insurance benefits as of the week ending August 2, 2014, provided he is otherwise eligible.

DECISION:

The unemployment insurance decision dated July 24, 2014 (reference 02) is modified in favor of the appellant. The claimant is qualified for unemployment insurance benefits as of August 2, 2014, provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/can