

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

VANESSA J JONES
Claimant

APPEAL NO. 13A-UI--08695-VS

**ADMINISTRATIVE LAW JUDGE
DECISION**

DAVENPORT COMMUNITY SCH DIST
Employer

OC: 06/30/13
Claimant: Appellant (2)

871 IAC 24.1 (113)a – Non-Disqualifying Separation

STATEMENT OF THE CASE:

The claimant filed an appeal from a representative's decision dated July 23, 2013, reference 01, which held that the claimant was not eligible for unemployment insurance benefits. After due notice, an in-person hearing was held on September 16, 2013, in Davenport, Iowa. The claimant participated personally. The employer did not show up for the hearing and did not participate. The record consists of the testimony of Vanessa Jones and Claimant's Exhibits 1-8.

ISSUE:

Whether the claimant is eligible for unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a school district located in the state of Iowa. The claimant has worked for the employer since 1987. She was employed in the district's early learning program as a teacher. The claimant was a year round employee. On May 3, 2013, the claimant's contract was terminated due to budget shortages. The claimant's last day of work was June 28, 2013. The claimant was rehired on August 12, 2013.

REASONING AND CONCLUSIONS OF LAW:

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 claimant is eligible for unemployment insurance benefits. The most reasonable inference from the evidence is that the claimant's contract of employment was ended by the employer with the final date of work being June 28, 2013. The claimant did not have reasonable assurance of continuing employment following her final day of work. She was, in effect, rehired as of August 12, 2013. Benefits are allowed as of June 29, 2013.

DECISION:

The decision of the representative dated July 23, 2013, reference 01, is reversed. Unemployment insurance benefits are allowed as of June 29, 2013.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/css