

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHEILA A MOHR
Claimant

APPEAL 21A-UI-17512-AR-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OPTIMAE LIFESERVICES INC
Employer

OC: 03/22/20
Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant, Sheila A. Mohr, filed an appeal from the August 5, 2021, (reference 02) unemployment insurance decision that denied benefits based upon the determination that claimant voluntarily quit employment with the employer, Optimae LifeServices, Inc., for personal reasons. The parties were properly notified of the hearing. A telephone hearing was held on October 5, 2021, and was consolidated with hearings for appeal numbers 21A-UI-17510-AR-T and 21A-UI-17511-AR-T. The claimant participated personally. The employer participated through Idah Newquist. Claimant's Exhibit A was admitted to the record. The administrative law judge took official notice of the administrative record.

ISSUE:

Was the claimant laid off due to lack of work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began employment as a part-time direct support provider on April 1, 2016. She continued in the role until this employment ended on March 18, 2020, due to layoffs related to the COVID-19 pandemic.

On March 18, 2020, the employer notified many of its employees, including claimant, that it would lay them off because of lack of work due to the COVID-19 pandemic. It was made clear to each employee laid off that the employer considered this a termination of employment. Employees were directed to reapply should they wish to return to employment. There is no testimony indicating that claimant was laid off due to performance or disciplinary concerns.

REASONING AND CONCLUSIONS OF LAW:

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

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.

On March 18, 2020, claimant was notified she was being permanently laid off due to lack of work related to the COVID-19 pandemic. There is no indication from either party that the decision was based on claimant's performance or discipline. Claimant was separated from employment due to lack of work. The separation was attributable to a lack of work by the employer. Benefits are allowed.

DECISION:

The August 5, 2021, (reference 02) unemployment insurance decision is reversed. The claimant was permanently laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.



Alexis D. Rowe
Administrative Law Judge

October 8, 2021
Decision Dated and Mailed

ar/scn