

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CALEB S MCMURRIN
Claimant

APPEAL NO. 12A-UI-06677-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BEEF PRODUCTS INC
Employer

OC: 10/23/11
Claimant: Respondent (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Beef Products, Inc. filed a timely appeal from an unemployment insurance decision dated May 11, 2012, reference 04, that allowed benefits to Caleb S. McMurrin. Due notice was issued for a telephone hearing to be held July 10, 2012. With the consent of both parties, the hearing was moved to July 11, 2012. Mr. McMurrin participated on his own behalf. Human Resources Benefits Supervisor Jennifer Stubbs participated for the employer, Beef Products, Inc. Employer Exhibit One was admitted into evidence.

ISSUES:

Was the separation a quit or a layoff?
Was the separation a disqualifying event?

FINDINGS OF FACT:

Caleb S. McMurrin was hired by Beef Products, Inc. on February 7, 2011. On March 26, 2012, he and other employees in the production department were called into a meeting during which they were told that the plant would most likely close in 60 days. The employees were placed on paid leave and sent home. They were told to keep in touch with local management so that they could be recalled to work in the event the plant did not close.

Mr. McMurrin was then in training for a position that would have involved his transfer to a company plant in Texas. His lease in Waterloo was about to expire. He notified the company on April 6, 2012 that he was relocating to Florida.

REASONING AND CONCLUSIONS OF LAW:

The first step in analysis is to characterize the separation. The employer views the separation as a quit while the claimant views it as a layoff. Both parties agree that Mr. McMurrin did not perform any services or earn any wages from the company after March 26, 2012. The record establishes that information given to Mr. McMurrin indicated that the plant most likely would close permanently but that he could be recalled to work if it did not. Given this evidence, the

administrative law judge concludes that the separation from employment was a layoff. A layoff is not a disqualifying event. While an individual may be disqualified for benefits for refusing recall to work, the evidence establishes that the company did not recall Mr. McMurrin and that all production activity at the location has ceased. Benefits are allowed.

DECISION:

The unemployment insurance decision dated May 11, 2012, reference 04, is affirmed. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs