

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**BLAKE E BENSON**  
Claimant

**NORDSTROM INC**  
Employer

**APPEAL 21A-UI-18054-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 09/22/19**  
**Claimant: Appellant (2)**

Iowa Code § 96.5(1) – Voluntary Quitting – Layoff Due to Lack of Work  
Iowa Admin. Code r. 871-24.1(113) – Definitions – Separations

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the August 5, 2021, (reference 08) unemployment insurance decision that denied benefits. After proper notice, a telephone hearing was held on October 7, 2021. The claimant participated. The employer did not respond to the notice of hearing to furnish a phone number with the Appeals Bureau and did not participate in the hearing. Official notice was taken of the administrative record.

**ISSUE:**

Was the claimant permanently laid off due to a lack of work effective April 6, 2021?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full-time in the warehouse from November 2020 until January 28, 2021. Continuing work was not available. On January 28, 2021, he was informed by the employer there was no more work to do and he was permanently laid off.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant was laid off effective January 28, 2021, and benefits are allowed provided he is otherwise eligible.

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.

In this case, the claimant involuntarily and permanently separated from employment because his position was eliminated. The claimant's separation was due to a lack of work. Benefits are allowed, provided he is otherwise eligible.

**DECISION:**

The August 5, 2021 (reference 08) initial decision is REVERSED. The claimant was permanently laid off due to a lack of work. Benefits are allowed, provided he is otherwise eligible.



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October 20, 2021  
Decision Dated and Mailed

jlb/scn