

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOANN M JENSEN
Claimant

COUNCIL BLUFFS CATHOLIC SCHOOLS
Employer

APPEAL 21A-UI-10540-LJ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/17/21
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:

On April 14, 2021, the claimant, Joann M. Jensen, filed an appeal from the April 6, 2021 (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily left her employment on July 31, 2020. The parties were properly notified of the hearing, and a hearing was scheduled for 11:00 a.m. on Thursday, July 1, 2021. However, both parties submitted documentation prior to the hearing presenting sufficient evidence for the administrative law judge to decide the matter without the need for a hearing.

ISSUE:

Was the separation a layoff, a discharge for misconduct, or a voluntary quit without good cause?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was hired to work for employer Council Bluffs Catholic Schools on January 6, 2011. Claimant was employed full time as the Director of Enrollment and School Relations.

The employer made the business decision to eliminate this position effective July 31, 2020, due to financial constraints at the school. There was no work available for claimant after that date.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation was a non-disqualifying layoff due to a lack of work. Benefits are allowed, provided claimant is otherwise eligible.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits:

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:

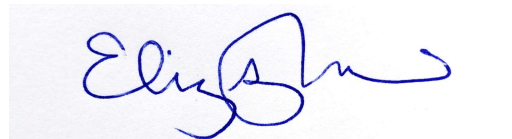
Separations. All terminations of employment, generally classifiable as layoffs, quits, discharges, or other separations.

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 employer sought to streamline its operations in order to reduce costs. As a result of this streamlining, claimant's position was eliminated and there was no additional work for her effective July 31, 2020. The administrative law judge finds claimant was laid off due to a lack of work. Benefits are allowed, provided she is otherwise eligible.

DECISION:

The April 6, 2021 (reference 01) unemployment insurance decision is reversed. Claimant was laid off due to a lack of work. Benefits are allowed, provided she is otherwise eligible. Any benefits claimed and withheld on this basis shall be paid.



Elizabeth A. Johnson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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Des Moines, Iowa 50319-0209
Fax (515)478-3528

July 15, 2021
Decision Dated and Mailed

lj/kmj