

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CRAIG L PEKIOS

Claimant

APPEAL NO. 15A-UI-07702-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

APAC CUSTOMER SERVICES INC

Employer

OC: 05/31/15

Claimant: Appellant (2)

871 IAC 24.1(113)a – Separations From Employment
Section 96.5-1 – Voluntary Leaving - Layoff

STATEMENT OF THE CASE:

Craig Pekios (claimant) appealed a representative's June 29, 2015, decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits after his separation from employment with APAC Customer Services (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for August 10, 2015. The claimant participated personally. The employer provided a telephone number but could not be reached at the time of the hearing. The administrative law judge spoke to a woman who answered the telephone. She indicated the employer did not wish to participate in the hearing.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on March 24, 2014, as a full-time team leader. On June 1, 2015, the claimant had a meeting with Joshua Macks and other team leads. The company told all six team leads in attendance they were going to be laid off due to financial issues. June 2, 2015, was the claimant's day off. Tammy Mason, the employer's Human Resources Generalist, called the claimant at home to tell him he was no longer employed because he was laid off due to financial reasons. On June 5, 2015, the claimant went in to the workplace to retrieve his belongings and spoke to Tarra Bartlett, Site Director. She gave him a document indicating the company was laying off team leaders due to financial issues.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code § 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 (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 employer laid the claimant off for lack of work on June 2, 2015. When an employer suspends a claimant from work status for a period of time, the separation does not prejudice the claimant. The claimant's separation was attributable to a lack of work by the employer. The claimant is eligible to receive unemployment insurance benefits.

DECISION:

The representative's June 29, 2015, decision (reference 01) is reversed. The claimant was laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs