

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**JAMES A CORNUAUD**  
Claimant

**AGCO FINANCE LLC**  
Employer

**APPEAL 17A-UI-11121-DB**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 10/01/17  
Claimant: Appellant (5R)**

Iowa Code § 96.4(3) – Able to and Available for Work  
Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the October 27, 2017 (reference 01) unemployment insurance decision that allowed benefits based upon the claimant being on a short-term layoff. The parties were properly notified of the hearing. An in-person hearing was held on November 21, 2017 in Des Moines, Iowa. The claimant, James A Cornuaud, participated personally. The employer, AGCO Finance LLC, did not participate. Claimant's Exhibits A – C were admitted. The administrative law judge took official notice of the claimant's unemployment insurance benefits records.

**ISSUE:**

Is claimant able to and available for work?  
Was the claimant on a short-term layoff?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant was employed full-time with employer from April 1, 2002 until October 2, 2017. Claimant was permanently laid off from his job. Claimant has been able to and available for work since October 1, 2017. Claimant has been actively and earnestly seeking work since October 1, 2017.

Claimant received vacation pay of \$4,299.45 when he was separated from the employer. Claimant reported vacation pay during the first three weeks he filed for unemployment insurance benefits. It appears from the claimant's administrative records that the employer did not designate a vacation period via SIDES. There has been no initial investigation and determination regarding whether the employer properly designated the vacation pay period and as such whether claimant's vacation pay was properly deducted. This issue will be remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes as follows:

The claimant was permanently laid off due to lack of work caused by the employer. Claimant has been able to and available for work since October 1, 2017. Claimant has been actively and earnestly seeking work since October 1, 2017. Benefits are allowed, provided he is otherwise eligible.

**DECISION:**

The October 27, 2017 (reference 01) unemployment insurance decision is modified with no change in effect. Claimant was permanently laid off due to lack of work and was not on a short-term layoff. Claimant is able to and available for work effective October 1, 2017. Benefits are allowed, provided he is otherwise eligible.

**REMAND:**

The issue of whether claimant's vacation pay period was designated by the employer pursuant to Iowa Code § 96.5(7) and was properly deducted, as well as whether any underpayment of benefits is owed to claimant is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

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Dawn Boucher  
Administrative Law Judge

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Decision Dated and Mailed

db/scn