

**BEFORE THE  
EMPLOYMENT APPEAL BOARD  
Lucas State Office Building  
Fourth floor  
Des Moines, Iowa 50319**

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**DEBORAH J SPENGLER**

Claimant

and

**INTEGRATED POS INC**

Employer

**HEARING NUMBER: 19BUI-08942**

**EMPLOYMENT APPEAL BOARD  
DECISION**

**NOTICE**

**THIS DECISION BECOMES FINAL** unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

**A REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

**SECTION: 96.5-1, 96.3-7**

**DECISION**

**UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGIBLE**

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED and MODIFIED**.

The Board cites as additional authority rule 24.25(40). That regulation provides that "[w]here the claimant voluntarily quit in advance of the announced scheduled layoff, the disqualification period will be from the last day worked to the date of the scheduled layoff." 871 IAC 24.25(40). Under that regulation when an employer announces a total layoff, and a worker quits before the layoff is to take place, then benefits are denied up until the date of the scheduled layoff, and allowed after that date. When think this applies to a scheduled reduction in hours as well. Where, as in this case, the reduction is caused by a downturn in work that reduction is effectively a partial

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layoff. We see no reason why an early quit caused by a *greater* reduction (total layoff) should be denied benefits, but someone facing a reduction should be allowed them.

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Kim D. Schmett

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Ashley R. Koopmans

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James M. Strohman

RRA/fnv