

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHAWN POPE
Claimant

DIAMOND CRYSTAL BRANDS INC
Employer

APPEAL 20A-UI-08109-S1-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/29/20
Claimant: Respondent (1/R)

Iowa Code § 96.5-2-a – Discharge for Misconduct
Iowa Code § 96.5-1 - Voluntary Quit
Iowa Code § 96.3-7 – Overpayment
PL 116-136 Section 2104 (B) – Federal Pandemic Unemployment Compensation
871 IAC 24.10 – Employer Participation in the Fact-Finding Interview

STATEMENT OF THE CASE:

Diamond Crystal Brands (employer) appealed a representative's July 1, 2020, decision (reference 04) that concluded Shawn Pope (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 21, 2020. The claimant did not provide a telephone number and, therefore, did not participate in the hearing. The employer participated by Tiffany Phillips, Human Resources Manager. The administrative law judge took official notice of the administrative file.

ISSUE:

The issues include whether the claimant was separated from employment for any disqualifying reason, whether the claimant was overpaid benefits, which party should be charged for those benefits, and whether the claimant is eligible for Federal Pandemic Unemployment Compensation.

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 2, 2020, as a full-time sanitation worker. The employer laid the claimant off for lack of work on March 30, 2020. The employer paid the claimant's benefits while the claimant was on unpaid furlough.

On May 17, 2020, the employer called the claimant and said work was available starting May 18, 2020. The claimant said that he found another job while he was laid off and would not be returning to work with the employer.

The claimant filed for unemployment insurance benefits with an effective date of March 29, 2020. His weekly benefit amount was determined to be \$466.00. The employer participated in

an unscheduled fact finding interview on June 29, 2020. The claimant received benefits of \$466.00 per week from March 29, 2020, to the week ending May 30, 2020. This is a total of \$4,194.00 in state unemployment insurance benefits after the separation from employment. He also received \$5,400.00 in Federal Pandemic Unemployment Compensation for the nine-week period ending May 30, 2020.

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 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.

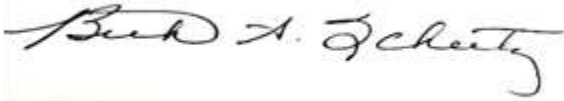
The employer laid the claimant off for lack of work as of March 30, 2020. When an employer suspends a claimant from work status, the separation does not prejudice the claimant. The claimant's separation was attributable to a lack of work by the employer. Benefits are allowed, provided the claimant is otherwise eligible.

The issue of whether the claimant refused an offer of suitable work is remanded for determination.

DECISION:

The representative's July 1, 2020, decision (reference 04) is affirmed. The claimant was laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.

The issue of whether the claimant refused an offer of suitable work is remanded for determination.

A handwritten signature in black ink, reading "Beth A. Scheetz". The signature is written in a cursive style with a large initial "B".

Beth A. Scheetz
Administrative Law Judge

August 26, 2020
Decision Dated and Mailed

bas/sam