

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANGELA M SCHAA
Claimant

APPEAL NO. 12A-UI-01113-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WELLS ENTERPRISES INC
Employer

**OC: 12/11/11
Claimant: Appellant (1)**

Section 96.5-1 - Layoff

STATEMENT OF THE CASE:

Claimant filed a timely appeal from a representative's decision dated January 23, 2012, reference 01, which denied unemployment insurance benefits effective December 11, 2011. After due notice, a telephone hearing was held on February 23, 2012. The claimant participated personally. Although duly notified, the employer did not participate.

ISSUE:

At issue is whether the claimant is eligible to receive unemployment insurance benefits.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Angela Schaa began employment with Wells Enterprises, Inc. on September 9, 1995 and continues to be a production worker at the time of hearing. Ms. Schaa is employed full time and is paid by the hour.

Ms. Schaa opened a claim for unemployment insurance benefits with an effective date of December 11, 2011 in anticipation that she might be laid off in the future. Because the claimant continued to be employed in her regular capacity as a full-time worker and was being paid at her regular pay at the time that she opened her claim on December 11, 2011, Ms. Schaa was denied unemployment insurance benefits.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant was not eligible to receive unemployment insurance benefits effective December 11, 2011.

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.

In this case the evidence establishes that Ms. Schaa was not separated or temporarily laid off effective December 11, 2011. The claimant had reopened her unemployment insurance claim in anticipation that she would be laid off in the future. Because the claimant continued to be employed full time at her regular pay and working hours, the claimant was properly denied unemployment insurance benefits effective December 11, 2011. Based upon evidence available it appears that Ms. Schaa later claimed and received unemployment insurance benefits during a period that she was actually laid off from Wells Enterprises, Inc.

DECISION:

The representative's decision dated January 23, 2012, reference 01, is affirmed. The claimant is not eligible to receive unemployment insurance benefits as she continued to be employed full time effective December 11, 2011.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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