

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JAMES STONEDAHL**  
Claimant

**APPEAL NO: 14A-UI-03059-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BROWN'S PUMP SERVICE & EXCAVATING**  
Employer

**OC: 01/12/14**  
**Claimant: Respondent (1)**

871 IAC 24.1(113)a – Layoff

**STATEMENT OF THE CASE:**

Brown's Pump Service & Excavating (employer) appealed a representative's March 11, 2014 decision (reference 01) that concluded James Stonedahl (claimant) was qualified to receive unemployment insurance benefits after a separation from employment. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 11, 2014. The claimant participated in the hearing. Scott Brown appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Was there a disqualifying separation from employment either through a voluntary quit without good cause attributable to the employer or through a discharge for misconduct?

**FINDINGS OF FACT:**

The claimant started working for the employer on or about August 26, 2013. He worked usually full-time hours as a seasonal temporary general laborer. He would report for work each morning; on days he was not needed, he was sent home. His last day of work was December 9, 2013. The employer informed him that there was no further work available after that date because the weather and ground had become too cold to operate the machinery.

**REASONING AND CONCLUSIONS OF LAW:**

A separation is disqualifying if it is a voluntary quit without good cause attributable to the employer or if it is a discharge for work-connected misconduct.

871 IAC 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 separation between the claimant and the employer was a layoff by the employer due to the lack of work due to the weather; the employer had no work it could provide to the claimant. Eligibility for unemployment insurance benefits is not conditioned on whether the employment was permanent or temporary, or whether the claimant as a temporary employee was eligible for employment benefits otherwise provided by the employer to its permanent employees. As there was not a disqualifying separation, benefits are allowed if the claimant is otherwise eligible.

**DECISION:**

The representative's March 11, 2014 decision (reference 01) is affirmed. The claimant was laid off from the employer as of December 9, 2013 due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

ld/pjs