

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DEAN L CHRISTIANSEN  
421 PEARL APT 6  
SIOUX CITY IA 51101**

**APPEAL NO. 09A-UI-19636-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**LABOR READY MIDWEST INC  
ATTN: PAYROLL TAX DEPT  
PO BOX 2910  
TACOMA WA 98401-2910**

**APPEAL RIGHTS:**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to:

***Employment Appeal Board  
4<sup>th</sup> Floor – Lucas Building  
Des Moines, Iowa 50319***

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

**AN APPEAL TO THE BOARD SHALL STATE CLEARLY:**

The name, address and social security number of the claimant.

A reference to the decision from which the appeal is taken.

That an appeal from such decision is being made and such appeal is signed.

The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

**SERVICE INFORMATION:**

A true and correct copy of this decision was mailed to each of the parties listed.

**LABOR READY MIDWEST  
c/o TALX UC EXPRESS  
PO BOX 283  
ST LOUIS MO 63166-0283**

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DEAN L CHRISTAINSEN**  
Claimant

**APPEAL NO. 09A-UI-19636-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**LABOR READY MIDWEST INC**  
Employer

**Original Claim: 11/01/09  
Claimant: Respondent (5)**

871 IAC 24.1(113)a – Temporary Lay-off

**STATEMENT OF THE CASE:**

The employer appealed a department decision dated December 22, 2009, reference 01, that held the claimant was dismissed for no misconduct on October 31, 2009, and that allowed benefits. A telephone hearing was held on February 17, 2010. The claimant participated. Deanna Newton, Operations Specialist, participated for the employer. Employer Exhibits 1 through 9 was received as evidence.

**ISSUE:**

The issue is whether the claimant was laid off from work.

**FINDINGS OF FACT:**

The administrative law judge, having considered the evidence in the record, finds: The claimant began employment on January 12, 2009 and worked various day assignments during the weeks for different employer-clients up to October 25. The claimant last worked a three-day assignment at Springfield Mall on October 27 doing shelving. When the claimant complained about a personal safety concern in doing the work, he was taken off the job by the client, so he returned to the employer. The employer did not have any further work for the claimant until it placed him on assignment beginning February 10, 2010.

**REASONING AND CONCLUSIONS OF LAW:**

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 administrative law judge concludes that the claimant was laid off for lack of work on October 27, 2009. The employer did not establish that the claimant was offered any further work after his last assignment or that he failed to check with the employer. Since the claimant was returned to work on February 10, 2010, the separation period is considered a layoff for lack of work.

**DECISION:**

The department decision dated December 22, 2009, reference 01, is modified with no effect. The claimant was laid off for lack of work on October 27, 2009. Benefits are allowed, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/kjw