

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

GRETCHEN Y HAGEN
Claimant

REMBRANDT ENTERPRISES INC
Employer

APPEAL 20A-UI-07484-DG-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 12/29/19
Claimant: Respondent (1R)**

Iowa Code § 96.5(1) – Voluntary Quitting – Layoff Due to Lack of Work
Iowa Admin. Code r. 871-24.1(113) – Definitions – Separations

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated June 30, 2020, (reference 05) that held claimant eligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on August 10, 2020. Employer participated by Susan Golgwitzer, Human Resources Manager. Claimant failed to respond to the hearing notice and did not participate.

ISSUE:

The issue in this matter is whether the claimant was temporarily laid off due to a lack of work?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant was sent home from work by employer on May 5, 2020. Claimant was not allowed to return to work until May 22, 2020.

Employer heard rumors from co-workers that claimant was ill. Claimant was sent to the office on or about May 5, 2020. Employer thought claimant looked like she may have been ill. Employer sent claimant home from work and would not let her return to work until she had been tested for covid-19, and she was cleared to return to work by her doctor.

Claimant was tested and cleared by her doctor on or about May 22, 2020. Claimant returned to work on that date.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was temporarily 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 provides:

Definitions. Unless the context otherwise requires, the terms used in these rules shall have the following meaning. All terms which are defined in Iowa Code chapter 96 shall be construed as they are defined in Iowa Code chapter 96.

24.1(113) *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 contends that the reduction in hours was due to the COVID 19 pandemic. The chargeability issue and whether the employer's account may be charged for any future benefits paid to the claimant due to her reduction in hours worked because of the COVID 19 pandemic is remanded to the Tax Bureau of Iowa Workforce Development for an initial investigation and determination.

Therefore, the temporary separation was attributable to the employer. Benefits are allowed.

DECISION:

The June 30, 2020, (reference 05) unemployment insurance decision is affirmed. The claimant was temporarily laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.

REMAND:

The chargeability issue delineated in the findings of fact of whether the employer's account may be charged for benefits paid due to the COVID 19 pandemic is remanded to the Tax Bureau of Iowa Workforce Development for a determination of allocation of charges.



Duane L. Golden
Administrative Law Judge

August 19, 2020
Decision Dated and Mailed