

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARK A FOSS**

Claimant

**APPEAL NO. 10A-UI-15896-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BOCK SIDING & CONTRACTING**

Employer

**OC: 11/30/08**

**Claimant: Appellant (2)**

871 IAC 24.1(113)a - Layoff

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated November 9, 2010, reference 02, that denied him benefits concluding he was still employed the same number of hours and wages. A telephone hearing was held on January 3, 2011. The parties were properly notified about the hearing. The claimant participated in the hearing. David Bock participated in the hearing on behalf of the employer.

**ISSUE:**

Was the claimant laid off due to lack of work?

**FINDINGS OF FACT:**

The claimant worked for the employer as a siding installer from July 2010 to November 4, 2010, when he finished work on the employer's last project for the year. The employer will call the claimant back to work when work is again available.

The employer's account is not presently chargeable for benefits paid to the claimant since it is not a base period employer on the claim and the claimant is receiving emergency unemployment compensation.

**REASONING AND CONCLUSIONS OF LAW:**

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code § 96.5-1 and 96.5-2-a. On the other hand, employees laid off due to lack of work are eligible for benefits. 871 IAC 24.1(113)a. The claimant did not quit, was not discharged for misconduct, and has been available for work. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

**DECISION:**

The unemployment insurance decision dated November 9, 2010, reference 02, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs