

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAVE L WOODRUFF

Claimant

APPEAL NO: 14A-UI-05929-DW

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE VERNON COMPANY

Employer

OC: 05/04/14

Claimant: Appellant (2/R)

Iowa Code § 96.4(3) – Availability for Work

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's June 2, 2014 (reference 01) determination that held him ineligible to receive benefits as of May 4, 2014, because he unduly limited the number of hours he was willing to work. The employer's June 5 letter to the Appeals Bureau, resolved the issue in this matter without a hearing. Based on the administrative record, and the law, the administrative law judge finds the claimant eligible to receive benefits as of May 4, 2014.

ISSUE:

Did the claimant request to be laid off or did the employer temporarily lay him off from work as a result of a lack of work?

FINDINGS OF FACT:

The claimant established a claim for benefit during the week of May 4, 2014. The employer's third-party representative incorrectly reported in a written statement that the claimant requested that the employer lay him off from work. The claimant did not participate at the fact-finding interview.

On June 5, the Appeals Bureau received a letter from the employer's human resource specialist. She informed the Appeals Bureau that on May 2, the employer sent a letter to the Department stating the claimant and two other employees were on a layoff due to lack of work. The employer also stated in the May 2 letter that the employer did not contest the claimant's receipt of unemployment insurance benefits. The employer also stated that its third party representative incorrectly reported the claimant was on an optional layoff or had requested to be laid off.

The claimant filed claims for the weeks ending May 10 and 17, 2014. He filed an additional claim during the week of June 8, 2014.

REASONING AND CONCLUSIONS OF LAW:

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 seasonal employment. 871 IAC 24.1(113). Since the employer placed the claimant on a temporary layoff as the result of a lack of work, the claimant did not limit his availability for work. As of May 4, 2014, the claimant is eligible to receive benefits.

The claimant filed claims for the weeks ending May 10 and 17, 2014. He did not file weekly claims again until the week ending June 14, 2014. Since the claimant did not file claims for the weeks ending May 24, 31 and June 7, this matter is remanded to the Benefits Bureau to determine if the claimant is eligible to receive benefits as of June 8, 2014.

DECISION:

The representative's June 2, 2014 (reference 01) determination is reversed. The claimant did not unduly limit his availability for work as of May 4, 2014. The claimant did not ask to be laid off from work. Instead, as the result of lack of work, the employer placed the claimant on a temporary layoff. As of May 4, 2014, the claimant is eligible to receive benefits.

Since the claimant did not file any weekly claims for the weeks ending May 24, 31 and June 7, and filed an additional claim during the week of June 8, this matter is remanded to the Benefits Bureau to determine whether the claimant is eligible to receive benefits as of June 8, 2014,

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/can