

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RONALD R MULLEN
Claimant

APPEAL NO. 08A-UI-01642-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

AGRI – SERVICES OF NORHTERN IA INC
A S I
Employer

OC: 01-06-08 R: 01
Claimant: Appellant (4)

Iowa Code § 96.5(1) – Voluntary Leaving - Layoff

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the February 12, 2008, reference 01, decision that found the claimant voluntarily quit his part time job and was thus entitled to unemployment insurance benefits. After due notice was issued, a hearing was held on March 4, 2008. The claimant did participate. The employer did participate through Todd Lundgren, Owner.

ISSUE:

Was the claimant laid off due to lack of work?

FINDINGS OF FACT:

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: Claimant was employed as a service worker full time beginning March 28, 2007 through November 8, 2007 when he laid off due to lack of work.

In September or October the claimant asked for the employer to cut back his hours so he would not suffer a reduction in his social security benefits. The claimant was then laid off on November 8, 2007 due to lack of work when the season ended. The claimant did not voluntarily quit a part-time job; he was laid off due to lack of work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was laid off due to a lack of work.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits:

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.

The claimant was laid off on November 8, 2007 due to lack of work on the part of the employer. The claimant did not quit his employment and his reduction in hours in September and October were done when he did not make any weekly claim for benefits. Therefore, the separation was attributable to a lack of work by the employer. Benefits are allowed.

DECISION:

The February 12, 2008, reference 01, decision is modified in favor of the appellant. The claimant was laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs