

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BONA Y BONKAFO-EFOFA
Claimant

APPEAL NO. 09A-UI-06892-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CAMBRIDGE TEMPOSITIONS INC
Employer

OC: 08/10/08
Claimant: Appellant (2)

Section 96.4-3 – Employed At Same Hours And Wages
871 IAC 24.1(113)a – Layoffs

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a representative's decision dated April 27, 2009, reference 04, which held him not eligible to receive unemployment insurance benefits effective March 22, 2009. After due notice a hearing was scheduled for and held on June 1, 2009. The claimant participated personally. The employer participated by Stephanie Matteson. Appearing as a witness for the employer was Miles Schwitzer. Official interpreter was Emily Callhan.

ISSUE:

Whether the claimant was laid off due to lack of work.

FINDINGS OF FACT:

The administrative law judge, having considered all of the evidence in the record, finds: The claimant was most recently assigned to work as a production worker at Heinz Quality Chef from May 17, 2007 and continues to be employed at the time of hearing. The claimant was laid off work for the week ending March 20, 2009 due to lack of work at the temporary work assignment.

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 evidence in the record establishes the claimant was laid off work on March 20, 2009 for no disqualifying reason. Benefits are allowed, providing the claimant is otherwise eligible.

DECISION:

The representative's decision dated April 27, 2009, reference 04, is reversed. The claimant was laid off work under non disqualifying conditions. Benefits are allowed, providing the claimant is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs