

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MARTHA J MCCONNELEE
Claimant

PRINCIPAL LIFE INSURANCE CO
Employer

APPEAL 21A-UI-01497-DZ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/30/20
Claimant: Appellant (2)

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Martha J McConnelee, the claimant/appellant filed an appeal from the December 8, 2020, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on March 1, 2021. Ms. McConnelee participated and testified. The employer did not participate.

ISSUE:

Was Ms. McConnelee laid off or did she voluntarily quit without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Ms. McConnelee began working for the employer on July 6, 1987. She last worked as a full-time deconversion specialist. Her last day at work was August 28, 2020. Her employment was terminated on August 31, 2020.

The employer purchased part of Wells Fargo's business. In May 2020, the employer told Ms. McConnelee that her job would be eliminated as of August 31, 2020. Ms. McConnelee's job was eliminated on August 31, 2020.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code section 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.

Iowa Admin. Code r. 871-24.1(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 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.

In this case, the employer did not have work for Ms. McConnelee due to combining its business with its newly acquired business. Ms. McConnelee did not quit. Therefore, Ms. McConnelee's separation from employment was attributable to a lack of work by the employer. Benefits are allowed.

DECISION:

The December 8, 2020, (reference 01) unemployment insurance decision is reversed. Ms. McConnelee was laid off due to a lack of work. Benefits are allowed, provided she is otherwise eligible.



Daniel Zeno
Administrative Law Judge
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March 8, 2021
Decision Dated and Mailed

dz/scn