

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DANIEL J COLEMAN**  
Claimant

**APPEAL NO: 10A-UI-06803-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ATON PROPERTIES LLC**  
Employer

**OC: 11/01/09**

**Claimant: Appellant (2)**

871 IAC 24.1(113)a – Layoff

**STATEMENT OF THE CASE:**

Daniel J. Coleman (claimant) appealed a representative's May 5, 2010 decision (reference 02) that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment with Aton Properties, L.L.C. (employer). Hearing notices were mailed to the parties' last-known addresses of record for a telephone hearing to be held on June 28, 2010; on June 28, the hearing was continued to July 2, 2010. The claimant participated in the hearing. The employer failed to respond to the hearing notice and provide a telephone number at which a witness or representative could be reached for the hearing and did not participate in the hearing. During the hearing, Claimant's Exhibit A was entered into evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Was there a disqualifying separation from employment either through a voluntary quit without good cause attributable to the employer or through a discharge for misconduct?

**FINDINGS OF FACT:**

The claimant started working for the employer on September 19, 2008. He worked full time as a groundskeeper and mechanic at the employer's West Des Moines, Iowa apartment complex. His last day of work was February 26, 2009. On February 27 he and all other employees at the location were informed that they had all been terminated from employment with the employer, as a new property manager would be taking over management of the property.

The claimant worked one day for the new property manager, Conlin Properties, Inc.; the new property manager then determined that the claimant did not qualify for employment with its business. A notice of the claimant's claim was sent to Conlin Properties, Inc. on November 4, 2009, but Conlin Properties, Inc. did not protest the claimant's claim.

**REASONING AND CONCLUSIONS OF LAW:**

A separation is disqualifying if it is a voluntary quit without good cause attributable to the employer or if it is a discharge for work-connected misconduct.

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 separation between the claimant and the employer was a layoff by the employer due to the appointment of a new property manager for the property; the employer had no work it could provide to the claimant. As there was not a disqualifying separation, benefits are allowed if the claimant is otherwise eligible.

**DECISION:**

The representative's May 5, 2010 decision (reference 02) is reversed. The claimant was laid off from the employer as of February 27, 2009 due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.

---

Lynette A. F. Donner  
Administrative Law Judge

---

Decision Dated and Mailed

ld/pjs