

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEVEN L KREUTZER
Claimant

APPEAL NO: 12A-UI-01302-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

PER MAR SECURTIY & RESEARCH CORP
Employer

OC: 12/25/11
Claimant: Respondent (1)

871 IAC 24.1(113)a – Layoff

STATEMENT OF THE CASE:

The employer appealed a department decision dated January 27, 2012, reference 01, that held he was laid off for lack of work on December 12, 2011, and which allowed benefits. A telephone hearing was held on February 28, 2012. The claimant participated. Wendy Larison, HR/payroll specialist, and Mike McElmeel, operations manager, participated for the employer.

ISSUE:

The issue is whether the claimant was temporarily laid off from work.

FINDINGS OF FACT:

The administrative law judge, having heard the witness testimony and having considered the evidence in the record, finds: The claimant began working for the employer on December 16, 2008, and last worked for the employer as a full-time security officer/site supervisor at ADM in Cedar Rapids, Iowa, on December 13, 2011. An ADM representative advised the employer that claimant was not permitted to return to the work site, and claimant met with an employer representative about this matter the following day.

After discussing the incident with claimant, the employer representative stated there was no other full-time work assignment available to offer him. Claimant responded that was okay, as he wanted some time off around the holidays. When the employer did not have any full-time work assignment to offer claimant after Christmas, he filed for unemployment. The employer was making some management changes that affected its communication to claimant about further work.

If the employer believes it has offered claimant a full-time work assignment (in February) that he has rejected, it may file a separate protest on this issue or make a further offer of work to claimant at this time.

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 administrative law judge concludes the claimant was temporarily laid off when he last worked on December 13, 2011 that is an employment separation for no disqualifiable reason. Although the employer called claimant off the work assignment due to an issue, the employer did not discharge claimant the following day. It let claimant know he would be considered for further work, and it had no objection to him being off work for a period. It appears that the time-off period became extended due to employer-management changes.

If the employer believes it has made a specific job offer to claimant for full-time work that he has refused, it can file an immediate protest on this issue or make a new job offer to claimant to test whether he is willing to return to work.

DECISION:

The department decision dated January 27, 2012, reference 01, is affirmed. The claimant was laid off for lack of work on December 13, 2011. Benefits are allowed, provided claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw