

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**LORI A HOLTZ**

Claimant

**QPS EMPLOYMENT GROUP INC**

Employer

**APPEAL 18A-UI-08298-NM-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 07/01/18**

**Claimant: Respondent (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

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

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation Fact-finding Interview

**STATEMENT OF THE CASE:**

The employer filed an appeal from the July 25, 2018, (reference 02), unemployment insurance decision that allowed benefits. The parties were properly notified about the hearing. A telephone hearing was held on August 24, 2018. Claimant participated and testified. Employer participated through Unemployment Specialist Mai Lor and Placement Coordinator Kayla Hase. Employer's Exhibit 1 was received into evidence.

**ISSUES:**

Was the claimant temporarily laid off due to lack of work?

Has the claimant been overpaid any unemployment insurance benefits, and if so, can the repayment of those benefits to the agency be waived?

Can any charges to the employer's account be waived?

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: The claimant was last assigned at Custom Wood Products from February 12, 2018, to July 9, 2018. On June 29, 2018, claimant learned she would be temporarily laid off, but not permanently separated from the assignment or employment, due to a regularly scheduled plant shutdown of the employer's client. The shutdown was scheduled to last the week of July 1, 2018. Claimant returned to the assignment as scheduled on July 9, 2018. When claimant returned she was offered regular full-time employment with Custom Wood Products effective immediately. Claimant accepted this offer of employment and separated from the employer effective July 9, 2018.

The claimant filed a new claim for unemployment insurance benefits with an effective date of July 1, 2018. The claimant filed for and received a total of \$418.00 in unemployment insurance benefits for the week ending July 7, 2018. The employer participated in a fact finding interview regarding the separation on July 25, 2018. The fact finder determined claimant qualified for benefits.

**REASONING AND CONCLUSIONS OF LAW:**

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

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

On June 29, 2018, claimant was notified she was being temporarily laid off from her assignment for a regularly scheduled shut down. Claimant was still working as a temporary employee and employed by QPS at the time of the temporary layoff. Claimant was temporarily laid off due to a lack of work. Therefore, the separation (layoff) was attributable to a lack of work by the employer. Benefits are allowed. As benefits are allowed, the issues of overpayment and participation are moot.

**DECISION:**

The July 25, 2018, (reference 02), unemployment insurance decision is affirmed. The claimant was temporarily laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible. The issues of overpayment and participation are moot.

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Nicole Merrill  
Administrative Law Judge

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Decision Dated and Mailed

nm/scn