

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEVON R BUCKERT
Claimant

APPEAL NO. 08A-UI-05580-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

REM IOWA COMMUNITY SERVICES INC
Employer

**OC: 05-04-08 R: 04
Claimant: Appellant (2)**

Iowa Code § 96.5(1) – Voluntary Leaving - Layoff

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the June 6, 2008, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on July 1, 2008. The claimant did participate. The employer did not participate.

ISSUE:

Was the claimant laid off or placed on an involuntary layoff?

FINDINGS OF FACT:

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: The claimant was placed on an involuntary layoff by the employer after she was arrested. The employer wants the claimant to resolve her personal legal problems before they will allow her to return to work. The claimant is able to work, but is not being allowed to work by the employer.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code § 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.

The claimant is able to work and willing to work, but is not being allowed to do so until her personal legal problems are resolved. Therefore, the separation was attributable to a lack of work by the employer. Benefits are allowed.

DECISION:

The June 6, 2008, reference 01, decision is reversed. The claimant was laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/css