

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOSH A PARSONS
Claimant

APPEAL NO. 07A-UI-05069-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

FLYING J INC
Employer

**OC: 0401/07 R: 04
Claimant: Respondent (1)**

Section 96.5(2) – Discharge

STATEMENT OF THE CASE:

The employer, Flying J, filed an appeal from a decision dated May 11, 2007, reference 02. The decision allowed benefits to the claimant, Josh Parsons. After due notice was issued, a hearing was held by telephone conference call on June 4, 2007. The claimant participated on his own behalf. The employer participated by General Manager Heather Fry and Assistant Manager Louanne Glover.

ISSUE:

The issue is whether the claimant was discharged for misconduct sufficient to warrant a denial of unemployment benefits.

FINDINGS OF FACT:

Josh Parsons was employed by Flying J from September 6, 2006 until March 31, 2007, as a part-time utility person. He had started out being full time but his hours decreased due to lack of work. The facility is new and not all the personnel originally hired turned out to be necessary. Mr. Parsons was taken off the schedule effective March 31, 2007.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

The claimant was not discharged for misconduct but was laid off due to a reduction in the personnel at the facility. This is not a disqualifying separation.

DECISION:

The representative's decision of May 11, 2007, reference 02, is affirmed. Josh Parsons is qualified for benefits, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css