

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CURT D DUDLEY
Claimant

APPEAL NO. 14A-UI-12392-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

WEST CENTRAL COOPERATIVE
Employer

OC: 10/26/14
Claimant: Appellant (2)

Iowa Code § 96.19-38-a & b – Total and Partial Unemployment
Iowa Code § 96.7-2-a(2) – Same Base Period Employment
Iowa Admin. Code r. 871-24.1(113)a – Definitions - Separations
Iowa Code § 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated November 26, 2014, reference 01, which held claimant still employed at the same wages and hours. After due notice, a hearing was scheduled for and held on December 22, 2014. Claimant participated personally. Employer participated by Katie Squibb.

ISSUE:

The issues are whether claimant is still employed at the same hours and wages and partially unemployed.

FINDINGS OF FACT:

The claimant currently works for West Central Cooperative, a base-period employer, part time; but has been laid off during the off season for farming. Claimant has no other wages in the base period history. Claimant worked 40 plus hours a week during the growing and harvesting period, but for a number of years has not received hours during the late fall and winter seasons.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is unemployed and the employer is not relieved of benefit charges. Claimant goes through yearly periods of work followed by layoffs. Employer still has claimant active in its system as being employed, but has given claimant no hours in recent weeks. Whereas there may be a few hours available for a day here and there over the fall and winter, claimant cannot hold reasonable belief that he will receive anywhere near the hours received in the spring through fall growing periods.

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.

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 (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.

Therefore, the temporary separation is attributable to a lack of work by the employer. Benefits are allowed.

DECISION:

The November 26, 2014, reference 01, decision is reversed. The claimant is on layoff and benefits are allowed, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/can