

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HUBANSKI K FOUNTAIN
Claimant

APPEAL NO. 12A-UI-04735-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

OC: 03-11-12
Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Leaving – Layoff Due to Lack of Work

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the April 17, 2012, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on May 21, 2012. The claimant did participate. The employer did participate through Matt Timmerman, Owner.

ISSUE:

Was the claimant laid off due to lack of work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was last assigned to work at Millard as a cleaner full time beginning September 12, 2011 through January 19, 2012 when he laid off due to lack of work. The claimant then moved out of town because he could not pay his bills.

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.

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 employer had no additional work for the claimant thus he was laid off. Therefore, the separation was attributable to a lack of work by the employer. Benefits are allowed.

DECISION:

The April 17, 2012 (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