

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL S LESLIE
Claimant

APPEAL NO. 12A-UI-09828-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SC DATA CENTER INC
Employer

OC: 05/27/12
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 6, 2012 (reference 01) decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call on September 6, 2012. Claimant participated. Employer participated through human resources coordinator Kari Hill.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed temporarily full-time as a customer service representative from August 9, 2008 and was separated from employment on December 31, 2011. He requested to be laid off from then until August 2012. Continued work was available. Had he not taken a layoff there would have been a drastic reduction of hours to 8 hours a week during which he could have reported gross weekly wages and filed claims for partial unemployment. He is not being recalled until October 2012.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

Iowa Code section 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 24.25(29) provides:

(29) The claimant left in anticipation of a layoff in the near future; however, work was still available at the time claimant left the employment.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2).

Since continued work was available, albeit with reduced hours, and there was no *scheduled* layoff planned, claimant's leaving the employment was not based upon a good-cause reason attributable to the employer. Benefits must be denied.

DECISION:

The August 6, 2012 (reference 01) decision is affirmed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

NOTE TO EMPLOYER:

If you wish to change your mailing address of record please access your account at:

<https://www.myiowaui.org/UITIPTaxWeb/>.

Helpful information about using this site may be found at:

<http://www.iowaworkforce.org/ui/uiemployers.htm> and

<http://www.youtube.com/watch?v= mpCM8FGQoY>

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/pjs