

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DENNIS E CLAUSEN**

Claimant

**APPEAL NO: 12A-UI-11444-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FARM SERVICE COMPANY**

Employer

**OC: 08/19/12**

**Claimant: Respondent (5)**

871 IAC 24.1(113)a – Layoff

**STATEMENT OF THE CASE:**

Farm Service Company (employer) appealed a representative's September 11, 2012 decision (reference 01) that concluded Dennis E. Clausen (claimant) was qualified to receive unemployment insurance benefits after a separation from employment. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on October 17, 2012. The claimant failed to respond to the hearing notice and provide a telephone number at which he could be reached for the hearing and did not participate in the hearing. Danene Hildebrand appeared on the employer's behalf and presented testimony from one other witness, Curtis Trimmer. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Was there a disqualifying separation from employment either through a voluntary quit without good cause attributable to the employer or through a discharge for misconduct?

**FINDINGS OF FACT:**

After a prior period of employment with the employer, the claimant most recently started working for the employer on October 19, 2011. He worked part time as a seasonal tender truck driver. His last day of work was on or about June 25, 2012.

The seasonal work with the employer was slowing, and the claimant would have been laid off for lack of work with the employer by the end of July. After discussing this with his manager, Trimmer, the two of them agreed that since the work was slowing and would soon be ending, he would go ahead and make that date at the end of June his last day of work, as he had other work he could do with someone else. No other wages from another employer were reported during the July or August period, so the other "employment" might have been as an independent contractor. The claimant did not establish his claim for unemployment insurance benefits until August 19, 2012.

**REASONING AND CONCLUSIONS OF LAW:**

A separation is disqualifying if it is a voluntary quit without good cause attributable to the employer or if it is a discharge for work-connected misconduct.

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 intended separation between the claimant and the employer was to be a layoff by the employer by the end of July due to the end of the season and lack of work.

871 IAC 24.25(40) provides:

(40) Where the claimant voluntarily quit in advance of the announced scheduled layoff, the disqualification period will be from the last day worked to the date of the scheduled layoff. Benefits shall not be denied from the effective date of the scheduled layoff.

Here the claimant voluntarily quit prior to the intended layoff date, and would have been ineligible to receive benefits from the date of his separation through the intended layoff date at the end of July. However, the claimant did not seek unemployment insurance benefits during that period. As of August 19, 2012 benefits are allowed if the claimant is otherwise eligible.

**DECISION:**

The representative's September 11, 2012 decision (reference 01) is modified with no effect on the parties. The claimant was laid off from the employer as of August 1, 2012 due to a lack of work. He quit prior to that date and would have been ineligible to receive benefits prior to August 1, but he did not seek benefits prior to August 19, so there is no disqualification. As of August 19, 2012 benefits are allowed, provided the claimant is otherwise eligible.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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