

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JACQUELINE ELLIS

Claimant

APPEAL NO: 10A-UI-04082-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

VOLT MANAGEMENT CORP

Employer

OC: 06/28/09

Claimant: Respondent (5)

871 IAC 24.1(113)a - Separation Due to Layoff

STATEMENT OF THE CASE:

Volt Management Corporation (employer) appealed an unemployment insurance decision dated March 9, 2010, reference 06, which held that Jacqueline Ellis (claimant) was eligible for unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 26, 2010. The claimant participated in the hearing. The employer participated through Bicky Cam, Senior Recruiter. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant was laid off due to lack of work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The employer is a temporary employment agency. The claimant was assigned to 3M in Knoxville, Iowa as a full-time supply clerk from September 2, 2009 through February 1, 2010. The contract employer requested the claimant be removed from the assignment because she was using the employer's computer to visit a social networking site during work hours. The employer did not discharge the claimant but had no other work available for her at that time.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits. All terminations of employment are generally classified as layoffs, quits, discharges or other separations. 871 IAC 24.1(113)(a). A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer or an employer has discharged the claimant for work-connected misconduct. Iowa Code sections 96.5-1 and 96.5-2-a.

The evidence establishes the claimant was laid off on February 1, 2010 when she was removed from an assignment and the employer had no other work available. When an employer initiates a separation, the reasons for the separation must constitute work-connected misconduct before a claimant can be denied unemployment insurance benefits. A layoff does not constitute work-connected misconduct. The claimant's separation from employment was not due to any misconduct on her part nor did she quit her job. The claimant is qualified to receive unemployment insurance benefits, provided she is otherwise eligible.

DECISION:

The unemployment insurance decision dated March 9, 2010, reference 06, is modified with no effect. The claimant is qualified for unemployment insurance benefits, provided she is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs