

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

GLORIA G LEIVA
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MUSCATINE IA 52761

MANPOWER INTERNATIONAL INC
MANPOWER TEMPORARY SERVICES
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P O BOX 66864
ST LOUIS MO 63166-6864

GUADALUPE MCCARNEY
INTERPRETER
4316 GRAND AVENUE #7
DES MOINES IA 50312

Appeal Number: 04A-UI-03371-S2T
OC: 02/15/04 R: 04
Claimant: Appellant (2)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

871 IAC 24.1(113)a – Separations From Employment

STATEMENT OF THE CASE:

Gloria Leiva (claimant) appealed a representative's March 24, 2004 decision (reference 03) that concluded she was not eligible to receive unemployment insurance benefits because she had voluntarily quit employment with Manpower International (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 28, 2004. The claimant participated personally through Guadalupe McCarney, Interpreter. The employer did not provide a telephone number where it could be reached and, therefore, did not participate.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on November 11, 2003, as a full-time temporary worker. The claimant worked on February 12, 2004. After that date the employer told the claimant that there was no further work available.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant was laid off for lack of work. For the following reasons the administrative law judge concludes she was.

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 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 laid the claimant off for lack of work on February 12, 2004. When an employer suspends a claimant from work status for a period of time, the separation does not prejudice the claimant. The claimant is eligible to receive unemployment insurance benefits after February 12, 2004.

DECISION:

The representative's March 24, 2004 decision (reference 03) is reversed. The claimant is eligible to receive unemployment insurance benefits after February 12, 2004.

bas/s