IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS

JESSICA L EDE
Claimant

APPEAL NO. 07A-UI-09505-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEYS MARKETING CO
Employer

**OC: 08-19-07   R: 04
Claimant: Appellant (2)**

Iowa Code § 96.5(1) – Voluntary Leaving - Layoff

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the October 3, 2007, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on October 23, 2007. The claimant did participate. The employer did not participate.

ISSUE:

Was the claimant on a leave of absence or was she laid off due to lack of work?

FINDINGS OF FACT:

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: Claimant was employed as a clerk at the Casey Store but was laid off when the store was torn down to build a new facility. The claimant is still an employee only on a temporary layoff while the new building is being constructed. The claimant expects to be called back to work in the fall when the building is completed. The claimant mistakenly indicated she was not able to and available for work when making her weekly call in.

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.

The claimant is on a temporary layoff while a new building is being constructed. She is not on a medical leave of absence. Therefore, the separation was attributable to a lack of work by the employer. Benefits are allowed.

DECISION:

The October 3, 2007, 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