

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DON HABERKORN
Claimant

APPEAL NO: 16A-UI-06207-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

FEATHERLITE INC
Employer

OC: 05/08/16
Claimant: Appellant (2)

Section 96 5-1 – Voluntary Leaving – Layoff
Section 96.4-3 – Able and Available for Work

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the June 1, 2016, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on June 21, 2016. The claimant participated in the hearing. The employer was not available at the number provided prior to the hearing. She called after the hearing was completed to state the employer was not contesting benefits for the claimant for the one week layoff which occurred between June 6 and June 10, 2016.

ISSUE:

The issue is whether the claimant was laid off.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant is employed as a full-time welder for Featherlite Inc. from March 8, 2010 to present. The employer notified employees in early May 2016 of an upcoming layoff expected to run from June 6 through June 10, 2016. As a result of that announcement the claimant opened a claim for benefits with an effective date of May 8, 2016. He did not file a weekly claim for any week after his original claim date, including the week in which he was laid off, which was the week of June 5, 2016.

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 was placed on a short-term layoff by the employer. Therefore, the separation was attributable to a lack of work by the employer. Benefits are allowed. However the claimant never filed a weekly claim for benefits. In order to receive benefits for the week ending June 11, 2016, the claimant needs to speak to his local office about backdating his claim.

DECISION:

The June 1, 2016, 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

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