

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

BLAKE T LARSEN
Claimant

OLYMPIA TILE USA INC
Employer

APPEAL 16A-UI-00571-JCT
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/22/15
Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntarily quit
Iowa Admin. Code r. 871-24.1(113) – Definitions – Separations

STATEMENT OF THE CASE:

The claimant filed an appeal from the January 14, 2016, (reference 04) unemployment insurance decision that denied benefits based upon separation. The parties were properly notified about the hearing. A telephone hearing was held on February 4, 2016. The claimant participated personally. The employer submitted a written statement of non-participation prior to the hearing. Department exhibits D-1 and D-2 were admitted into evidence.

ISSUE:

The issue is whether the claimant has been temporarily laid off due to a lack of work.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a full time as a warehouse manager until December 10, 2015. The claimant was diagnosed with depression and due to performance-related matters, the employer confronted the claimant and initiated a leave of absence so he could receive care. The employer intended to hold the claimant's position open for him. The end date is to be determined by the employer. On January 26, 2016, the claimant spoke with the employer and stated he is able and ready to return to work. However, the employer indicated the claimant could not return to work at this time and would check in with him on February 19, 2016.

The claimant intends to return to employer and offer his services after the employer agrees to his return to work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is temporarily 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.

Iowa Admin. Code r. 871-24.1(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 initiated the separation by placing the claimant on a temporary leave of absence. The leave of absence was initiated by the employer and not the claimant. The claimant has informed the employer that he is able and ready to return to work, effective January 25, 2016, and is unable to return to work until the employer approves his request. Therefore, the separation was attributable to a lack of work by the employer and benefits are allowed.

DECISION:

The January 14, 2016, (reference 04), decision is reversed. The claimant has been temporarily laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.

Jennifer L. Coe
Administrative Law Judge

Decision Dated and Mailed

jlc/css