

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEFFREY F JOHNSON
Claimant

APPEAL NO. 12A-UI-10576-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CYHAWK HOSPITALITY INC
Employer

OC: 02-05-12
Claimant: Respondent (2)

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

STATEMENT OF THE CASE:

The employer filed a timely appeal from the August 24, 2012, reference 03, decision that allowed benefits. After due notice was issued, a hearing was held on October 3, 2012. The claimant did participate. The employer did participate through Rahfeldt, Vice-President of Operations and Leon Klemisch, Managing Partner.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was not laid off.

Iowa Code section 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.

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 (lasting or expected to last more than seven consecutive calendar days without pay) 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 claimant was never laid off from this employer nor were his hours ever reduced. The claimant was never placed on a short-term layoff. Benefits are denied.

DECISION:

The August 24, 2012 (reference 03) decision is reversed. The claimant was not laid off due to a lack of work. Benefits are denied.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs