

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAVID W HUSTON
Claimant

APPEAL NO. 08A-UI-08157-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE GOODYEAR TIRE & RUBBER CO
Employer

**OC: 07/27/08 R: 12
Claimant: Respondent (1)**

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

STATEMENT OF THE CASE:

The employer filed a timely appeal from the September 2, 2008, reference 03, decision that allowed benefits. After due notice was issued, a telephone conference hearing was held on September 29, 2008. Claimant participated. Employer participated through Joe Alliman.

ISSUE:

The issue is whether claimant quit the employment without good cause attributable to the employer.

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant was employed as a full time production worker from March 19, 2007 until August 1, 2007 when Veyance Technology (The Carlisle Group umbrella corporation) bought Goodyear's Engineered Products August 1, 2007 and worked there until his separation on July 23, 2008.

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.

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.

Since employer sold the business and no longer had work available to claimant under that entity, the separation was attributable to a lack of work by the employer. Benefits are allowed.

DECISION:

The September 2, 2008, reference 03, decision is affirmed. The claimant was laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/css