

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**PAMELA A SUMMERS**  
Claimant

**WIELAND DEVELOPMENT LLC**  
Employer

**APPEAL 17A-UI-00904-DL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/08/17**  
**Claimant: Respondent (1-R)**

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Iowa Code § 96.5(1) – Voluntary Quitting – Layoff Due to Lack of Work  
Iowa Admin. Code r. 871-24.1(113) – Definitions – Separations

**STATEMENT OF THE CASE:**

The employer filed an appeal from the January 19, 2017, (reference 01) unemployment insurance decision that allowed benefits based upon a layoff. The parties were properly notified about the hearing. A telephone hearing was held on February 15, 2017. Claimant participated. Employer participated through former motel business owner Michael Wieland.

**ISSUE:**

Was the claimant 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 part-time housekeeper through November 26, 2016. The business was sold on that date to American Hospitality 1700 Superior Street, Webster City, Iowa. The manager was not retained but the purchasing entity wished for claimant and other employees to continue working. Employees were told they had to reapply for work.

The issues of whether the purchasing business is a successor employer for the purpose of unemployment insurance taxation and whether the claimant failed to apply for suitable work have not been addressed by Benefits Bureau of IWD.

**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 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.

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.

Because the employer's business was sold, the separation was attributable to a lack of work by the employer. Benefits are allowed.

**DECISION:**

The January 19, 2017, (reference 01) unemployment insurance decision is affirmed. The claimant was laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.

**REMAND:** The successorship and failure to apply for work issues delineated in the findings of fact is remanded to the Benefits Bureau of Iowa Workforce Development for a fact-finding interview and unemployment insurance decision.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

dml/rvs