

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEVEN L FISH
Claimant

APPEAL NO. 07A-UI-01085-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

MIDWEST CONSTRUCTION SERVICES INC
Employer

**OC: 12/24/06 R: 03
Claimant: Appellant (2)**

871 IAC 24.1(113)a – Separations From Employment
Section 96.5-1 – Voluntary Leaving - Layoff

STATEMENT OF THE CASE:

Steven Fish (claimant) appealed a representative's January 23, 2007 decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits because he had voluntarily quit employment with Midwest Construction Services (employer). A telephone hearing was scheduled for February 22, 2007. Before the hearing, the parties stated that they wished to enter into a stipulation of fact for the purpose of making a decision. The stipulation was submitted orally and recorded and is approved.

ISSUE:

The issue is whether the claimant was laid off for lack of work.

FINDINGS OF FACT:

The administrative law judge, having heard the stipulation of the parties and considered all of the evidence in the record, finds that: The parties agree that the claimant was laid off for lack of work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was laid off for lack of work.

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 employer laid the claimant off for lack of work. When an employer suspends a claimant from work status for a period of time, the separation does not prejudice the claimant. The claimant is eligible to receive unemployment insurance benefits.

DECISION:

The representative's January 23, 2007 decision (reference 01) is reversed. The claimant is eligible to receive unemployment insurance benefits because he was laid off for lack of work.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/kjw