

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LOGAN G BRUNES
Claimant

R & B TIRES AND ASSOCIATES LLC
Employer

APPEAL 18A-UI-11733-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 11/04/18
Claimant: Appellant (2R)**

Iowa Code § 96.5(1) – Voluntary Quitting – Layoff Due to Lack of Work
Iowa Code § 96.5(2) – Discharge for Misconduct
Iowa Admin r. 871-24.1(113) – Definitions - Separations

STATEMENT OF THE CASE:

Logan Brunos, Claimant, filed an appeal from the November 26, 2018 (reference 01) unemployment insurance decision that denied benefits because he was discharged from work with R & B Tires and Associates, LLC due to violation of a known company rule. The parties were properly notified of the hearing. A telephone hearing was held on December 19, 2018 at 11:00 a.m. Claimant participated. Employer did not participate. No exhibits were admitted.

ISSUE:

Whether claimant's separation was a discharge due to disqualifying job-related misconduct, a voluntary quit without good cause attributable to the employer, or a layoff due to lack of work.

FINDINGS OF FACT:

As claimant was the only witness, the administrative law judge makes the following findings of fact based solely upon claimant's testimony: Claimant was employed by R & B Tires and Associates, LLC as a salesman from November 20, 2017 until the company was purchased by Willis Automotive Group on August 20, 2018. Claimant's employment continued with Willis Automotive Group until he was terminated on September 19, 2018 for non-compliance with company rules and regulations.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was laid off from his employment with R & B Tires and Associates, LLC due to lack of work.

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.

In this case, claimant did not voluntarily quit and was not discharged from employment with R & B Tires and Associates, LLC. Claimant's employment ended when the company was sold to Willis Automotive Group. Claimant's separation from employment with R & B Tires and Associates, LLC was a layoff due to lack of work. The issue of claimant's separation from Willis Automotive Group is remanded for a fact-finding interview and unemployment insurance decision.

DECISION:

The November 26, 2018 (reference 01) unemployment insurance decision is reversed and remanded. The claimant was laid off from his employment with R & B Tires and Associates, LLC due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.

REMAND:

The issue of claimant's separation from Willis Automotive Group is remanded to the Benefits Bureau of Iowa Workforce Development for a fact-finding interview and initial unemployment insurance decision.

Adrienne C. Williamson
Administrative Law Judge
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Iowa Workforce Development
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Decision Dated and Mailed

acw/rvs