

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DENNIS V ROUTSON
Claimant

MAJESTIC LIMOUSINE SERVICE LLC
Employer

APPEAL 20A-UI-03067-AD-T
ADMINISTRATIVE LAW JUDGE
DECISION

OC: 03/15/20
Claimant: Respondent (4R)

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On April 13, 2020, Majestic Limousine Service LLC (employer/appellant) filed a timely appeal from the April 9, 2020 (reference 01) unemployment insurance decision that determined Dennis Routson (claimant/respondent) was eligible to receive unemployment insurance benefits. Specifically, the decision found claimant was still employed part time or working on-call whenever work was available. The employer's account was not relieved of charges.

A telephone hearing was held on May 7, 2020 at 4 p.m. The parties were properly notified of the hearing. Claimant participated personally. Employer participated by owner Scott Woodruff.

Employer's Exhibit 1 was admitted. Official notice was taken of the administrative record.

ISSUE(S):

- I. Was the claimant's separation from employment caused by the COVID-19 pandemic?
- II. Should the employer's account be charged?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant was employed by employer as a chauffeur. He began working for employer on April 22, 2014. The last day claimant performed work for employer was March 11, 2020. Claimant was laid off by Woodruff on March 16, 2020. Claimant was laid off due to a lack of work caused by the COVID-19 pandemic. Claimant is still laid off at this time. Claimant remains available for work and hopes to return to work once the pandemic ends.

At this time, Iowa Workforce Development (IWD) is not charging employers for claims made by their employees due to COVID-19 related unemployment. IWD has established a trigger for the balance of the Unemployment Insurance Trust Fund, at which point it will begin to charge employers accounts for respective unemployment claims. The trigger has been established at \$950M. This decision was made to assist with the recovery by minimizing any increases

employers may face in the unemployment tax rate, which is based in large part on the trust fund balance. CARES Act claims for the self-employed and the \$600.00 weekly benefit will not be paid from the trust fund.¹

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the April 9, 2020 (reference 01) unemployment insurance decision that determined claimant was eligible to receive unemployment insurance benefits is MODIFIED in favor of appellant.

Employer does not dispute claimant's eligibility for benefits. It simply does not wish to be charged for those benefits, given the reason for the separation from employment and the above IWD guidance on that issue.

The administrative law judge finds claimant is eligible for benefits, as he was laid off due to a lack of work caused by the COVID-19 pandemic. However, the issue of chargeability of benefits must be remanded for a determination by the Benefits Bureau.


DECISION:

The April 9, 2020 (reference 01) unemployment insurance decision that determined claimant was eligible to receive unemployment insurance benefits is MODIFIED in favor of appellant. Claimant is eligible for benefits due to a layoff caused by a COVID-19 related lack of work.

¹ See *Update and Resources about COVID-19*, Iowa Workforce Development, available at <https://www.iowaworkforcedevelopment.gov/COVID-19#ife> (last accessed May 8, 2020).

REMAND:

The issue of chargeability of benefits is REMANDED to the Benefits Bureau of IWD for issuance of a decision consistent with the findings here and the Department's guidance on the chargeability of employers in these circumstances.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

May 11, 2020 _____
Decision Dated and Mailed

abd/scn