

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PERCY ROCHON

Claimant

APPEAL NO: 13A-UI-08790-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MARSDEN BLDG MAINTENANCE LLC

Employer

OC: 07/01/12

Claimant: Appellant (2)

871 IAC 24.1(113)a - Separation Due to Layoff

STATEMENT OF THE CASE:

Percy Rochon (claimant) appealed an unemployment insurance decision dated July 25, 2013, reference 01, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Marsden Building Maintenance, LLC (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 3, 2013. The claimant participated in the hearing. The employer elected not to participate in the hearing.

ISSUE:

The issue is whether the claimant was laid off work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on July 9, 2012 and was assigned as a full-time housekeeper with Mercy. He was removed from his assignment on June 26, 2013 without explanation. The claimant requested additional work but none was provided.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. All terminations of employment are generally classified as layoffs, quits, discharges or other separations. 871 IAC 24.1(113)(a). A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer or an employer has discharged the claimant for work-connected misconduct. Iowa Code §§ 96.5-1 and 96.5-2-a.

The evidence establishes the claimant was laid off on June 26, 2013. When an employer initiates a separation, the reasons for the separation must constitute work-connected misconduct before a claimant can be denied unemployment insurance benefits. A layoff does not constitute work-connected misconduct. The claimant's separation from employment was

not due to any misconduct on his part nor did he quit his job. The claimant is qualified to receive unemployment insurance benefits, provided he is otherwise eligible.

DECISION:

The unemployment insurance decision dated July 25, 2013, reference 01, is reversed. The claimant is qualified for unemployment insurance benefits, provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css