

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DEBORAH K REICHEN
Claimant

APPEAL 17A-UI-05431-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

BLACK HAWK COUNTY
Employer

OC: 05/07/17
Claimant: Respondent (1)

Iowa Code § 96.5(1) – Voluntary Quitting – Layoff Due to Lack of Work
Iowa Admin. Code r. 871-24.1(113) – Definitions – Separations
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation Fact-finding Interview

STATEMENT OF THE CASE:

The employer filed an appeal from the May 22, 2017 (reference 01) unemployment insurance decision that allowed benefits based upon a determination that claimant was employed to do a specific job and worked until the completion of her job, thus fulfilling her contract of hire. The parties were properly notified of the hearing. A telephone hearing was held on June 7, 2017. The claimant, Deborah K. Reichen, participated. The employer, Black Hawk County, participated through Debi Bunger, HR Director. Employer's Exhibit 1 was received and admitted into the record without objection.

ISSUES:

Was the claimant temporarily laid off due to a lack of work?
Has the claimant been overpaid unemployment insurance benefits, and if so, can the repayment of those benefits to the agency be waived?
Can charges to the employer's account be waived?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant has been employed by Black Hawk County as an election clerk since July 18, 2016. Claimant remains employed with the employer on this basis. Bunger testified that claimant works when there is an election. Her position is a permanent part-time position, and there is currently no work available for claimant.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant has been temporarily laid off due to a lack of work.

Iowa Code §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.

The evidence in the record shows that claimant is temporarily separated from her employment attributable to a lack of work from the employer. Burger explained that claimant is not currently working and is laid off because there is no election currently happening in Black Hawk County. Benefits are allowed, provided claimant is otherwise eligible. As claimant's temporary layoff is not disqualifying, the issues of overpayment, repayment, and chargeability are moot.

DECISION:

The May 22, 2017 (reference 01) unemployment insurance decision is affirmed. Claimant is laid off from employment due to a lack of work and for no disqualifying reason. Benefits are allowed, provided she is otherwise eligible. The issues of overpayment, repayment, and chargeability are moot.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed

lj/scn