

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SHELLEY A LYTLE**  
Claimant

**APPEAL NO. 16A-UI-04653-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HY-VEE INC**  
Employer

**OC: 03/13/16**  
**Claimant: Respondent (1)**

871 IAC 24.1(113)a – Separations From Employment  
Section 96.5-1 – Voluntary Leaving - Layoff  
Section 96.3-7 – Overpayment

**STATEMENT OF THE CASE:**

Hy-Vee (employer) appealed a representative's April 12, 2016, decision (reference 01) that concluded Shelley Lytle (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for May 4, 2016. The claimant participated personally. The employer was represented by James Tranfaglia, Hearings Representative, and participated by Jon Elswick, Human Resources Manager and Brian Bieker, Store Director. Exhibit D-1 was received into evidence.

**ISSUE:**

The issue is whether the claimant was separated from employment for any disqualifying reason.

**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 October 1, 2014, as a part-time hostess. In mid-September 2015, the claimant's supervisor told the claimant she would not be on the schedule anymore at the employer's location due to budget cuts. The claimant helped out at another location through approximately March 3, 2015. After this date, there was no more work for the claimant. After two weeks, the claimant appeared at the employer's store and asked the human resources manager if there was any work available. The human resources manager said he would look into it. He expected the claimant to return and talk to him about work opportunities. She thought the employer would notify her if there was a job. No work was offered to the claimant.

The claimant filed for unemployment insurance benefits with an effective date of March 13. The employer participated personally at the fact-finding interview on April 11, 2016, by Jon Elswick.

## **REASONING AND CONCLUSIONS OF LAW:**

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

Iowa Code section 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 employer laid the claimant off for lack of work on March 3, 2015. When an employer suspends a claimant from work status for a period of time, the separation does not prejudice the claimant. The claimant's separation was attributable to a lack of work by the employer. The claimant is eligible to receive unemployment insurance benefits.

## **DECISION:**

The representative's April 12, 2016, decision (reference 01) is affirmed. The claimant was laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/css