

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KOREEN F BLANCHETTE**  
Claimant

**APPEAL NO. 08A-UI-06546-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CHARITON COMMUNITY  
SCHOOL DISTRICT**  
Employer

**OC: 04/27/08 R: 02**  
**Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the July 10, 2008, reference 02, decision that denied benefits. After due notice was issued, a telephone conference hearing was held on July 30, 2008. The claimant participated personally. The employer participated through Kelley Reece, Board Secretary/Business Manager.

**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 having considered all of the evidence in the record, finds that: The claimant was hired in November 2004, as a substitute bus driver. In August 2005, the employer promoted the claimant to full-time bus driver. On January 11, 2008, the claimant fell ill with hypoglycemia and pancreas issues. She was absent from work due to illness and her physician restricted her from driving for a period of time. In March 2008, the employer changed the claimant's title to long-term substitute teachers' associate. The claimant held the position through May 2, 2008. The claimant was absent to visit Mayo Clinic during the week of May 5, 2008. When she returned, the employer told her there was no work available.

The claimant moved to Des Moines, Iowa, at the end of May 2008. On June 3, 2008, the claimant offered her letter of resignation.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant was laid off for 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.

871 IAC 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 (lasting or expected to last more than seven consecutive calendar days without pay) 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 May 12, 2008. 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 for that period.

**DECISION:**

The July 10, 2008, reference 02, representative's decision is reversed. The claimant was laid off for lack of work. She is eligible to receive unemployment insurance benefits.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/kjw