

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ANDREW E JOHANSEN
Claimant

YOUNGLOVE CONSTRUCTION LLC
Employer

APPEAL 18A-UI-10835-AW-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 10/14/18
Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Quitting – Layoff Due to Lack of Work
Iowa Admin r. 871-24.1(113) – Definitions - Separations

STATEMENT OF THE CASE:

Andrew Johansen, Claimant, filed an appeal from the October 31, 2018 (reference 01) unemployment insurance decision that denied benefits because he voluntarily quit work with Younglove Construction LLC for personal reasons not caused by the employer. The parties were properly notified of the hearing. A telephone hearing was held on November 16, 2018 at 1:00 p.m. Claimant participated. Employer did not participate. No exhibits were admitted.

ISSUE:

Whether claimant's separation was a voluntary quit without good cause attributable to the employer.

FINDINGS OF FACT:

As claimant was the only witness, the administrative law judge makes the following findings of fact based solely upon claimant's testimony: Claimant has worked for Younglove Construction LLC off and on for over ten years. Claimant was most recently employed full-time as a foreman on a feed mill construction project in Roland, Iowa, which was completed in September 2018. Claimant's employment with Younglove Construction LLC ended in September 2018, because employer did not have any work available for claimant. Claimant would have continued working for employer if work was available.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was laid off due to lack of work. Benefits are allowed, provided claimant is otherwise eligible.

Iowa Code section 96.5(1) provides that an individual who has left work voluntarily without good cause attributable to the employer shall be disqualified for benefits.

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.

In this case, claimant's employment ended when he was laid off due to lack of work. When an employer suspends a claimant from work status, the separation does not prejudice claimant. The exact date of claimant's lay off is unknown; however, claimant was laid off a couple weeks prior to his original claim date of October 14, 2018. Claimant is eligible to receive unemployment insurance benefits as of October 14, 2018, provided he is otherwise eligible.

DECISION:

The October 31, 2018 (reference 01) unemployment insurance decision is reversed. Benefits are allowed, provided claimant is otherwise eligible.

Adrienne C. Williamson
Administrative Law Judge
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Iowa Workforce Development
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Decision Dated and Mailed

acw/scn