

IOWA DEPARTMENT OF INSPECTIONS & APPEALS  
Division of Administrative Hearings  
Wallace State Office Building  
Des Moines, Iowa 50319

**Appeal Number:** 10IWDUI297  
**OC:** 00/00/0000  
**Claimant:** Appellant (4)

**DECISION OF THE ADMINISTRATIVE LAW JUDGE**

**RON BLOME**  
**1425 1ST STREET**  
**WEBSTER CITY, IA 50595-1803**

**LINDSAY ANDERSON, COORDINATOR**  
**TRA/TAA PROGRAM**  
**430 E. GRAND AVE.**  
**DES MOINES IA 50309**

DAN ANDERSON, IWD

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to the Department. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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December 29, 2010  
(Dated and Mailed)

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20 C.F.R. Part 617 – Trade Adjustment Assistance for Workers

**STATEMENT OF THE CASE**

Ron Blome filed a timely appeal from a decision issued by Iowa Workforce Development (the Department) dated May 25, 2010.<sup>1</sup> In this decision, the Department denied Mr. Blome's application for Trade Adjustment Assistance benefits. The decision states that Mr. Blome's application was denied because he was not laid off due to a lack of work.

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<sup>1</sup> Iowa Workforce Development received Mr. Blome's appeal on June 1, 2010. The file was not transmitted to the Division of Administrative Hearings until October 19, 2010. There is nothing in the record to indicate what caused the delay in processing.

The case was transmitted from Workforce Development to the Department of Inspections and Appeals on October 19, 2010 to schedule a contested case hearing. A Notice of Telephone Hearing was issued on October 28, 2010. On December 3, 2010, a telephone appeal hearing was held before Administrative Law Judge Laura Lockard. Lindsay Anderson, Trade Adjustment Assistance (TAA) Coordinator, represented the Department and presented testimony. Appellant Ron Blome appeared and presented testimony. The Department submitted Exhibits 1 through 8, which were admitted into the record as evidence.

### **ISSUES**

Whether the Department correctly denied the appellant's application for Trade Adjustment Assistance benefits.

### **FINDINGS OF FACT**

Ron Blome began working at Kenco Logistic Services LLC in May, 2001. He was terminated from his employment with Kenco in February, 2009. (Exh. 4, 8).

In March, 2010, Mr. Blome filed with the Department a Request for Determination of Entitlement to TAA/TRA. The application requests information regarding the reason for separation from employment. Mr. Blome checked both of the check boxes available, indicating "lack of work" and "other (specify)." In the section provided to explain a reason other than lack of work, Mr. Blome simply wrote "other." (Exh. 4).

After receiving Mr. Blome's application for TAA benefits, the Department faxed a Request for Employment Information form to Kenco. Aimee Miller, an office manager at Kenco, filled out the form and returned it to the Department. In the completed form, Ms. Miller indicated that Mr. Blome was terminated on February 25, 2009 for a serious safety violation. (Exh. 8).

After receiving the form from Kenco, the Department issued Mr. Blome a denial letter dated May 25, 2010. In that letter, the Department informed Mr. Blome that he was not eligible for TAA benefits because he was not laid off due to lack of work, but rather was terminated for a serious safety violation. (Exh. 2).

At hearing, Mr. Blome testified that he believed he was terminated for unjustified reasons. The company alleged that on a particular occasion Mr. Blome failed to use his horn and did not slow down while turning a corner on the job at the warehouse. Mr. Blome believes that Kenco was simply looking for reasons to eliminate staff. He believes that he did use his horn and slow down during the incident in question. No accident resulted and Mr. Blome testified that he had an excellent safety record prior to the alleged incident. (Blome testimony).

## **REASONING AND CONCLUSIONS OF LAW**

Trade adjustment assistance (TAA) benefits are available under the Trade Act of 1974 to certain workers who become unemployed as a result of increased imports.<sup>2</sup> In order to be eligible for benefits, a worker must have become totally or partially separated from qualifying employment because of a lack of work.<sup>3</sup>

The only question here is whether Mr. Blome's separation from employment was because of lack of work or because of some other reason. On this record, I cannot conclude that Mr. Blome's separation from employment was because of lack of work. Although Mr. Blome may have disagreed with the employer's rationale for termination, a worker in Iowa is – generally speaking – an at-will employee, meaning that an employer can terminate employment for “any lawful reason or for no reason at all.”<sup>4</sup> Mr. Blome's employer asserted that he was terminated for what it considered a serious safety violation.

Although Mr. Blome testified at hearing and asserted in his appeal letter that his employer was simply looking for other reasons to eliminate staff because of its knowledge that Electrolux was leaving the country and outsourcing its work, there is insufficient evidence in the record to support this conclusion. Accordingly, the Department's denial of TAA benefits was correct.

## **DECISION**

The Department's decision dated May 25, 2010 is **AFFIRMED**. The Department shall take any action necessary to implement this decision.

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<sup>2</sup> 20 C.F.R. 617.2.

<sup>3</sup> 20 C.F.R. 617.3(c).

<sup>4</sup> *Lloyd v. Drake University*, 686 N.W.2d 225, 228 (Iowa 2004).