

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JULIO C ROMERO ESPINOZA**  
Claimant

**APPEAL NO. 14A-UI-08795-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EXPRESS SERVICES INC**  
Employer

**OC: 01/12/14**  
**Claimant: Appellant (2)**

Iowa Code § 96.5(1) – Voluntary Leaving - Layoff

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the August 13, 2014 (reference 07) unemployment insurance decision that denied benefits. After due notice was issued, a hearing was held on September 11, 2014. The claimant did participate. The employer did participate through Alex Fagan, Office Manager.

**ISSUE:**

Was the claimant laid off due to lack of work?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was last assigned to work for Con-Trol Inc. He was laid off for one week beginning July 21, 2014 through July 26, 2014. He returned to work for Con-Trol on July 28. When the claimant found out he was going to be laid off on July 18 he contacted Express Services that same day. He was told there was no additional work available for him. The claimant was temporarily laid off for one week.

**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 § 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 (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 claimant was laid off for the one-week period ending July 26, 2014. Therefore, the separation was attributable to a lack of work by the employer. Benefits are allowed.

**DECISION:**

The August 13, 2014 (reference 07) decision is reversed. The claimant was laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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