

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ERIC S MASSEY
Claimant

CENTRO INC
Employer

APPEAL NO. 14A-UI-11081-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/29/14
Claimant: Appellant (2)

871 IAC 24.1(113)a – Layoff

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated October 14, 2014, reference 02, that concluded he requested and was granted a leave of absence. A telephone hearing was held on November 13, 2014. The parties were properly notified about the hearing. The claimant participated in the hearing. Tracy Lennon participated in the hearing on behalf of the employer. Exhibits A through C were admitted into evidence at the hearing.

ISSUES:

Was the claimant laid off due to lack of work?

Was he able to and available for work?

FINDINGS OF FACT:

The claimant worked as a product inspector for the employer from August 2013 to July 3, 2014. He was placed on a temporary layoff from July 7 through September 6, 2014 under a program where the employer requests employees to take a furlough for the convenience of the company due to a slowdown in work. Employees are given instructions for filing for unemployment insurance benefits and informed that they may receive benefits if determined eligible by Iowa Workforce Development.

The claimant had been working with restrictions due to bilateral carpal tunnel symptoms. On July 3 the workers' compensation doctor released the claimant to return to work without restriction and determined his condition was non-work-related and that any further treatment or restrictions would have to come from the claimant's primary care provider. For some reason, the employer interpreted the doctor's statement as requiring the claimant to obtain a release from his personal doctor, despite the fact that the workers' compensation doctor said he had no restrictions on his ability to work. A supervisor told the claimant that he needed to bring in a statement from his doctor on whether he could perform the essential functions of his job. This was after he agreed to take the temporary layoff and no deadline was given for him bringing in the form. The claimant got the form filled out by his doctor on August 18 stating that he could perform the essential functions of his job without accommodation. He submitted the form to the employer.

The claimant called in each week to see if the employer had any work for him. Each week he was told that there was no work by his supervisor until September 5 when he was called back to work starting September 8. The claimant was available to work, able to work, and willing to return to work for the employer from July 7 through September 6, 2014.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code § 96.5-1 and 96.5-2-a. On the other hand, a claimant whose separation is a layoff is qualified to receive benefits, if the claimant is otherwise eligible. The rules define a layoff as “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.” 871 IAC 24.1(113)a.

The evidence establishes the claimant was laid off for the convenience of the employer from July 7 through September 6, 2014. During that time, he was able to and available for work.

DECISION:

The unemployment insurance decision dated October 14, 2014, reference 02, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/can