

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAVID J MURPHY
Claimant

APPEAL NO: 19A-UI-07434-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

PALMER COMPANIES INC
Employer

OC: 03/10/19
Claimant: Appellant (4)

Section 96.5-1 – Voluntary Leaving
871 IAC 24.26(13) – Quit in Advance of Scheduled Layoff

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the September 16, 2019, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on October 9, 2019. The claimant participated in the hearing. Deidra Meyer, Recruiter, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left his employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time suitability representative for Palmer Companies last assigned at Aphone from May 28, 2019 to August 22, 2019. The employer notified the claimant that rather than the assignment being a six-month temp to hire position the client was laying him and other temporary employees off due to a lack of work. The client made the announcement August 21, 2019, and told employees they could remain until August 29, 2019, and look for other work but the claimant chose to voluntarily leave August 22, 2019.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment in advance of a scheduled layoff.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. 871-24.26(13) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(13) A claimant who, when told of a scheduled future layoff, leaves employment before the layoff date shall be deemed to be not available for work until the future separation date designated by the employer. After the employer-designated date, the separation shall be considered a layoff.

In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. 871 IAC 24.25. In this case the claimant left his employment August 22, 2019, one week before a scheduled layoff was to occur August 29, 2019. Therefore, he is not eligible for benefits for the week ending August 31, 2019, when he could have continued to work but is eligible beginning the week ending September 7, 2019, when the temporary assignment ended.

DECISION:

The September 16, 2019, reference 01, decision is modified in favor of the claimant/appellant. The claimant voluntarily left his employment in advance of a scheduled layoff. Benefits are denied the week ending August 31, 2019, but allowed beginning the week ending September 7, 2019.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn