

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HANNAH M GINN
Claimant

APPEAL NO. 16A-UI-11303-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

KEN HOVICK
Employer

OC: 09/25/16
Claimant: Respondent (1)

871 IAC 24.1(113)a – Separations From Employment
Section 96.5-1 – Voluntary Leaving - Layoff
Section 96.3-7 – Overpayment

STATEMENT OF THE CASE:

Ken Hovick (employer) appealed a representative's October 14, 2016, decision (reference 02) that concluded Hannah Ginn (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for November 3, 2016. The claimant participated personally. The employer participated by Linda Hovick, former owner, Ken Hovick, former owner. Exhibit D-1 was received into evidence.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on May 16, 2015, as a part-time housekeeper. The claimant worked for the employer until January 21, 2016, when the employer sold the business.

The claimant filed for unemployment insurance benefits with an effective date of September 25, 2016. The employer participated personally at the fact-finding interview on October 13, 2016, by Linda and Ken Hovick.

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 employer laid the claimant off for lack of work. Other employers had work for the claimant but the employer had no other work for the claimant to perform. When an employer suspends a claimant from work status for a period of time, the separation does not prejudice the claimant. The claimant's separation was attributable to a lack of work by the employer. The claimant is eligible to receive unemployment insurance benefits.

DECISION:

The representative's October 14, 2016, decision (reference 02) is affirmed. The claimant was laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs