

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

THOMAS C JOHNSON
Claimant

APPEAL 16A-UI-08934-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

HOME DEPOT USA INC
Employer

**OC: 11/29/15
Claimant: Appellant (2)**

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the August 11, 2016, (reference 04) unemployment insurance decision that disallowed benefits based upon claimant voluntarily quitting for personal reasons. The parties were properly notified of the hearing. A telephone hearing was held on September 2, 2016. The claimant, Thomas C. Johnson, participated personally. The employer, Home Depot USA Inc., did not participate.

ISSUES:

Was the claimant discharged for disqualifying job-related misconduct?
Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed part-time as a lumber and building materials associate from February of 2016 until July 10, 2016. Claimant's job duties included loading and unloading materials and assisting customers in the store.

At the end of June, 2016 claimant was told by the General Manager of the store that his seasonal part-time position would be coming to an end and that his last day of employment would be July 10, 2016. Claimant worked until July 10, 2016 when his employment ended. Claimant asked to be considered for other positions with the company but there was no continuing work available to the claimant.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was laid off due to lack of work. Benefits are allowed.

As a preliminary matter, I find that the Claimant did not quit. Claimant was laid off due to lack of work.

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 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.

This employer had no continuing work available to the claimant due to termination of seasonal employment. Therefore, the separation was attributable to a lack of work by the employer. Benefits are allowed provided claimant is otherwise eligible.

DECISION:

The August 11, 2016 (reference 04) unemployment insurance decision is reversed. Claimant was laid off on due to lack of work caused by the employer. Benefits are allowed, provided he is otherwise eligible.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

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